

Also, petition of heirs of Samuel I. Newman, late of Jefferson County, Tenn., praying reference of war claim to Court of Claims under Bowman Act—to the Committee on War Claims.

By Mr. HASKINS: Petition of Frank Martin and others, of Williamstown (Vt.) Grange, in favor of passage of bill H. R. 10765, establishing a Bureau of Public Highways—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of the Union Furniture Company, of Rockford, Ill., favoring bill H. R. 6273—to the Committee on Interstate and Foreign Commerce.

Also, petition of George M. Melendy, president of Carroll County (Ill.) Farmers' Institute, against any changes in the oleomargarine laws—to the Committee on Agriculture.

Also, petition of the Skandia Furniture Company, of Rockford, Ill., favoring bill H. R. 6273, modifying the interstate commerce laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Shippers and Manufacturers' Association, of Rockford, Ill., against legislation authorizing railroads to pool their traffic or earnings—to the Committee on Interstate and Foreign Commerce.

By Mr. HOGG: Petition of Liberty League, Grand Junction, Mesa County, Colo., indorsing bill H. R. 13778, increasing the power of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Woman's Christian Temperance Union of Canon City, Colo., for legislation prohibiting sale of opium except on medical prescription—to the Committee on Ways and Means.

Also, petition of the Woman's Christian Temperance Union of Canon City, Colo., for legislation prohibiting sale of liquors on all Government premises—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Woman's Christian Temperance Union of Canon City, Colo., for legislation prohibiting no-license towns and States against selling liquor to "speak-easies" under guise of interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Woman's Christian Temperance Union of Canon City, Colo., for legislation prohibiting use of mails for all gambling devices—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Resolutions by the Commercial Exchange (Commercial Club) of Des Moines, Iowa, on fixing just and reasonable freight rates by Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of W. G. Stanley and others, for the passage of the Hepburn-Dolliver bill (H. R. 4072)—to the Committee on Alcoholic Liquor Traffic.

By Mr. JENKINS: Petition of the Nebagamon Lumber Company, of Lake Nebagamon, Wis., for passage of bills H. R. 6273 and S. 2439—to the Committee on Interstate and Foreign Commerce.

By Mr. KNAPP: Petition of the Austen Manufacturing Company, of Oswego, N. Y., for enactment of bill H. R. 9051—to the Committee on Ways and Means.

By Mr. MAHON: Petition of Washington Camp, No. 650, Patriotic Order Sons of America, Broad Top City, Pa., for restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of I. E. Walker et al., favoring legislation restricting immigration—to the Committee on Immigration and Naturalization.

By Mr. PORTER: Papers relative to pension for George Wineland, of Mattawanna—to the Committee on Invalid Pensions.

Also, resolution of the Illinois Lumber Dealers' Association, indorsing supervision of the Interstate Commerce Commission over freight rates—to the Committee on Interstate and Foreign Commerce.

Also, petition of Henry Winsor & Co., of Philadelphia, Pa., against passage of bill H. R. 15594—to the Committee on Ways and Means.

Also, petition of Geldel & Co. et al., of Pittsburg, that the Interstate Commerce Commission be empowered to fix freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Petition of Utica (N. Y.) Chamber of Commerce, for enactment of the Cooper-Quarles bill regarding interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petitions of Edwin Irle and others, R. A. Kirk and others, and Edwin Sugart and others, all citizens of Minnesota, in favor of untaxed denatured alcohol—to the Committee on Ways and Means.

SENATE.

THURSDAY, January 5, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. ANSELM J. McLAURIN, a Senator from the State of Mississippi, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

KAW COMMISSION AWARD.

The PRESIDING OFFICER (Mr. PERKINS) laid before the Senate a communication from the Secretary of the Interior, transmitting an item of \$155,976.88 to be inserted in the Indian appropriation bill for the fiscal year 1906, in payment of the award made by the Kansas or Kaw Commission; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

MEDALS OF HONOR.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting a draft of a bill authorizing the distribution of medals for service in the Spanish-American war and other campaigns; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

EDWARD ANDERSON.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Edward Anderson, administrator of Mary Anderson, deceased, v. The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

FRENCH SPOILATION CLAIMS.

The PRESIDING OFFICER laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel ship *Aurora*, Stephen Butman, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

He also laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the conclusions of fact and of law filed under the act of January 20, 1885, in the French spoliation claims set out in the findings by the court relating to the vessel sloop *Geneva*, Giles Savage, master; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

CREDENTIALS.

Mr. McENERY presented the credentials of MURPHY JAMES FOSTER, chosen by the legislature of the State of Louisiana a Senator from that State for the term commencing March 4, 1907; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented petitions of sundry citizens of Oklahoma Territory, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in that Territory when admitted to statehood; which were ordered to lie on the table.

He also presented petitions of sundry citizens of Durand and Albion, in the State of Michigan; of sundry citizens of Baltimore, Md.; Jacksonville, Fla.; Danville, Va.; Kansas City, Mo.; New York City, Buffalo, and Rochester, in the State of New York; of sundry citizens of Philadelphia, Frankford, and Westchester, in the State of Pennsylvania, and of sundry citizens of Celina, Portsmouth, and Antwerp, in the State of Ohio, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Lawrence, Mass., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

Mr. PENROSE presented a petition of the Board of Directors of the "Bourse" of Philadelphia, Pa., praying for the enactment of legislation authorizing the construction of a sea-level canal across the Isthmus of Panama; which was referred to the Committee on Inter-oceanic Canals.

He also presented a memorial of Pomona Grange, No. 41, Patrons of Husbandry, of Wayne County, Pa., remonstrating against the repeal of the present oleomargarine law; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the faculty of Franklin Institute, of Philadelphia, Pa., praying for the enactment of legislation providing for the use of free alcohol in the arts and manufactures; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Home Missionary Society of the Presbyterian Church of Media, of the congregation of the Presbyterian Church of Manor, and of the congregation of the Presbyterian Church of Harrison city, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Erie, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Young People's Society of Christian Endeavor of the Cookman Methodist Episcopal Church of Philadelphia, Pa., and a petition of the Indian Rights' Association of Philadelphia, Pa., praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

Mr. FAIRBANKS presented a petition of the congregation of the Methodist Episcopal Church of Farmersburg, Ind., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the International Pure Food Congress, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented a petition of the Harriet Beecher Stowe Woman's Club of Valparaiso, of the Woman's Christian Temperance Union of Elkhart, of the Woman's Christian Temperance Union of Salem, and of the Ladies' Literary Club of Evansville, all in the State of Indiana, praying for the adoption of a certain amendment to the suffrage clause in the statehood bill; which were ordered to lie on the table.

He also presented petitions of the Indian Territory Church Federation, of Muscogee, Ind. T.; of the Woman's Board of Home Missions of the Presbyterian Church; of the Ministerial Association of Kendallville, Ind., and of the congregation of the Tabernacle Christian Church, of Columbus, Ind., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a petition of the Goodrich Brothers Hay and Grain Company, of Winchester, Ind., and a petition of the Morgan Electric Machine Company, of East Chicago, Ind., praying for the enactment of legislation to increase the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. SPOONER presented a memorial of the congregation of the Methodist Episcopal Church of Poynette, Wis., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

Mr. GALLINGER presented a memorial of the Woman's Christian Temperance Union of Dover N. H., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented the petition of G. W. Buzzell, superintendent of the Good Will Institute, of Nashua, N. H., praying for the enactment of legislation to provide for the protection of Indians against the liquor traffic in new States to be formed; which was ordered to lie on the table.

He also presented a petition of the North Capitol and Eckington Citizens' Association, of Washington, D. C., praying for the enactment of legislation to grade and regulate the salaries of the Metropolitan police; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Republican Club of New York City, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

Mr. BATE presented petitions of the congregations of the Trenton Street Baptist Church, the Independent Methodist Church, the Methodist Episcopal Church South, the First Methodist Episcopal Church, the First Presbyterian Church, the Grace Episcopal Church, and the Protestant Episcopal Church, all of Harriman; of sundry citizens of McMinnville, in the State of Tennessee, and of the National Temperance Society of New York, praying for the enactment of legislation providing for the protection of Indians against the liquor traffic in new States to be formed; which were ordered to lie on the table.

Mr. MARTIN presented petitions of the Business Men's Association of Portsmouth, of the Bar Association of Richmond, of the Board of Trade of Lynchburg, and of the Chamber of Commerce of Newport News, all in the State of Virginia, praying for the ratification of international arbitration treaties; which were referred to the Committee on Foreign Relations.

Mr. KEAN presented a petition of sundry citizens of River-ton, N. J., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. CLAY presented sundry papers to accompany the bill (S. 5838) for the relief of the heirs of G. W. Click; which were referred to the Committee on Claims.

Mr. PLATT of Connecticut. I present two petitions, to which I wish to call particular attention. One is the petition of Judge Baldwin and other very prominent citizens of New Haven, Conn., relating to the collection of statistics regarding marriage and divorce. I move that the petition be referred to the Committee on the Census.

The motion was agreed to.

Mr. PLATT of Connecticut. I also present a resolution of Lyme Grange, Patrons of Husbandry, of Hamburg, Conn., declaring against the present system of free distribution of seeds. I think the resolution represents pretty fairly the sentiment among agriculturists in Connecticut in opposition to the present governmental distribution of seeds. I move that the memorial be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PLATT of Connecticut presented petitions of the Young People's Society of Christian Endeavor of the South Congregational Church of New Britain, of the Young People's Society of Christian Endeavor of the First Congregational Church of New Britain, and of the Young People's Society of Christian Endeavor of the Second Congregational Church of Berlin, all in the State of Connecticut, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented a petition of the Plymouth Christian Endeavor Union, of Terryville, Conn., praying for the enactment of legislation providing for the protection of the Indians against the liquor traffic in the new States to be formed; which was ordered to lie on the table.

He also presented a petition of the Plymouth Christian Endeavor Union, of Terryville, Conn., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Home Mission Society of Stamford, Conn., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which was referred to the Committee on the Judiciary.

He also presented a petition of the Young People's Society of Christian Endeavor of the First Christian Church of New Britain, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings, grounds, and ships; which was referred to the Committee on Public Buildings and Grounds.

Mr. COCKRELL. To accompany the bill (S. 6058) granting an increase of pension to John S. Jones, I present the affidavit of Dr. C. H. Fulbright and a letter of George L. Clout. I move that the papers be referred to the Committee on Pensions to accompany the bill.

The motion was agreed to.

Mr. ANKENY presented a petition of sundry citizens of Washington and Alaska, praying for an extension of the Alaskan Government cable from Valdes to Dutch Harbor and Kiska Island and from Juneau to Ketchikan; which was referred to the Committee on Military Affairs.

Mr. LONG presented sundry papers to accompany the bill (S. 6262) granting an increase of pension to Seth M. Tucker; which were referred to the Committee on Pensions.

He also presented sundry papers to accompany the bill (S. 6263) granting a pension to Daisy E. Burrill; which were referred to the Committee on Pensions.

REPORT OF COMMISSIONER OF CORPORATIONS.

Mr. PLATT of New York. I call up the report which I submitted yesterday from the Committee on Printing, providing for printing the report of the Commissioner of Corporations, and I ask that it be considered as now proposed to be amended.

The PRESIDING OFFICER. The report will be read as now presented.

The Secretary read as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed for the use of the Department of Commerce and Labor 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904.

Mr. CULBERSON. In the absence of my colleague [Mr. BAILEY] I call the attention of the Senator from New York to the proceedings of yesterday, in which my colleague suggested that the decision of the Supreme Court, which is criticised in this report, should also be printed with the report, and, as I understand it, the suggestion was accepted by the Senator from New York.

Mr. PLATT of New York. The resolution is now submitted in the form of a concurrent resolution.

Mr. CULBERSON. There is nothing in it, I understand, providing for the printing of the decision of the Supreme Court, which is criticised in the report, and to the printing of which the Senator from New York yesterday assented. I suggest that he amend the resolution and incorporate in it a provision for the reprinting with the report of the decision of the Supreme Court referred to.

Mr. PLATT of New York. Does the Senator's colleague make that demand now?

Mr. CULBERSON. I can not hear the Senator. Mr. President, there is so much noise in the Chamber it is impossible to hear the Senator from New York.

The PRESIDING OFFICER. The Senator from Texas makes an inquiry of the senior Senator from New York.

Mr. PLATT of New York. What is the inquiry?

Mr. CULBERSON. It is this: Yesterday my colleague (and I speak in his absence) suggested that if 10,000 copies of the report of the Commissioner of Corporations are to be printed, there ought also to be printed with the report the decision of the Supreme Court of the United States which is criticised in the report of the Commissioner.

Mr. PLATT of New York. I have no objection.

Mr. CULBERSON. The Senator from New York assented yesterday to that proposition.

Mr. PLATT of New York. I assented yesterday to it.

Mr. CULBERSON. But in the report which the Senator submits this morning from the committee there is no reference to a reprint of the decision of the Supreme Court of the United States.

Mr. PLATT of New York. The difference between the report made this morning and the one made yesterday is that it is now a concurrent resolution; the printing is to be ordered by both Houses.

Mr. CULBERSON. I do not understand that it would make any difference whether it is a concurrent resolution or merely a resolution of the Senate. I suggest to the Senator to let the matter go over until my colleague comes in.

Mr. PLATT of New York. All right.

The PRESIDING OFFICER. Without objection, the report will lie on the table for the present, to be taken up later.

Mr. PLATT of New York subsequently said: I now call up the concurrent resolution which was before the Senate a few minutes ago. I consent to the amendment suggested by the Senator from Texas.

Mr. BAILEY. I am glad the Senator from New York agrees to it, but noticing my remarks of yesterday in the Record this morning, I seem to have confined the suggestion to a single case. In order that there may be no misunderstanding about it I ask that both the case of *Paul v. Virginia* and what is known as the "Knight case" should be printed.

Mr. PLATT of New York. I will consent to that.

Mr. BAILEY. One is an insurance case and the other a manufacturing case.

The PRESIDING OFFICER. Will the Senator from Texas kindly indicate the decision that it may be made of record at the desk?

Mr. BAILEY. I am not sure but that it would be better to offer the decisions themselves, but probably the end can be just as easily and more conveniently reached by providing simply that with this report there shall be printed the opinion of the Supreme Court in *United States v. E. C. Knight Company* (158 U. S. 1), and also in the case of *Paul v. Virginia* (8 Wall., 168). If that is not sufficiently definite, it would take but a moment to send for the cases and give the pages and volumes.

Mr. ALLISON. That is definite enough.

Mr. BAILEY. I think it is definite enough.

Mr. PLATT of New York. The Senator from Texas can supply the references to pages and volumes afterwards.

The PRESIDING OFFICER. The Chair understands that the senior Senator from New York accepts the amendment proposed by the Senator from Texas.

Mr. PLATT of New York. I do.

Mr. BAILEY. I stated the opinion of the court. I ought also to have added the dissenting opinion and the statement of the case. There was a dissenting opinion in the Knight case, but none in the Paul case.

The PRESIDING OFFICER. The concurrent resolution will be so amended, in the absence of objection. The question is on agreeing to the concurrent resolution as amended.

The concurrent resolution as amended was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring). That there be printed for the use of the Department of Commerce and Labor 10,000 copies of the report of the Commissioner of Corporations covering the period from the organization of the Bureau to June 30, 1904, including therein the statement of the case and the opinion of the court in *Paul v. Virginia*, 8 Wallace, page 168, and the statement of the case, the opinion of the court, and the dissenting opinion in *United States v. E. C. Knight Company*, 158 United States, page 1.

REPORTS OF COMMITTEES.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 4260) for the relief of Thomas C. Sweeney, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Commerce, to whom was referred the bill (S. 5804) to authorize the construction of two steam vessels for the Revenue-Cutter Service for duty on Puget Sound, Washington, reported it without amendment, and submitted a report thereon.

Mr. HANSBROUGH, from the Committee on Public Lands, to whom was referred the bill (S. 5799) to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak., reported it with an amendment, and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom was referred the bill (S. 6183) to construct a tender for the engineer service of the twelfth light-house district, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6182) to establish a light-house and fog signal on Red Rock, upper part of San Francisco Bay, California; and

A bill (S. 6181) to establish a light-house near Santa Barbara landing, California.

OUACHITA RIVER BRIDGE.

Mr. BERRY. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 15317) to build a bridge across the Ouachita River, Arkansas, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

F. X. MULHAUPT AND OTHERS.

Mr. KEAN, from the Committee on Claims, to whom were referred the following bills:

A bill (S. 739) for the relief of F. X. Mulhaupt and Caroline Mulhaupt, of Jackson County, Mo.;

A bill (S. 3125) for the relief of Andrew J. Holley;

A bill (S. 4063) for the relief of Edwin F. Mathews;

A bill (S. 5643) for the relief of the estate of Mrs. E. R. Morris, deceased;

A bill (S. 5645) for the relief of William H. Morris;

A bill (S. 5848) for the relief of Simon Normile, John F. Fastabend, and William F. McGregor;

A bill (S. 5866) for the relief of the rector, wardens, and vestry of St. John's Church at Jacksonville, Fla.; and

A bill (S. 6137) for the relief of St. John's Lodge, of Newbern, N. C.,

reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the claims of F. X. Mulhaupt and Caroline Mulhaupt, of Jackson County, Mo. (S. 739); Andrew J. Holley (S. 3125); Edwin F. Mathews (S. 4063); estate of Mrs. E. R. Morris, deceased (S. 5643); William H. Morris (S. 5645); Simon Normile, John F. Fastabend, and William F. McGregor (S. 5848); rector, wardens, and vestry of St. John's Church at Jacksonville, Fla. (S. 5866), and St. John's Lodge, of Newbern, N. C. (S. 6137), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act." And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. DANIEL December 16, 1904, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the Senate, That the Committee on Transportation and Sale of Meat Products be, and it is hereby, authorized to employ a stenographer, whose compensation shall be at the rate of \$100 per month, to be paid out of the contingent fund of the Senate; and his employment shall cease at the close of this the third session of the Fifty-eighth Congress.

Mr. KEAN subsequently said: Mr. President, this morning I reported from the Committee to Audit and Control the Contingent Expenses of the Senate a resolution authorizing the Committee on Transportation and Sale of Meat Products to employ a stenographer. I ask unanimous consent at this time for the reconsideration of the vote by which the resolution was passed for the purpose of correcting a mistake which was made in it.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent for the reconsideration of the vote by which the resolution referred to by him was passed. Is there objection? The Chair hears none, and the resolution is before the Senate for consideration.

Mr. KEAN. I now move to amend the resolution by striking out the words "a stenographer" and inserting the words "an assistant clerk."

The amendment was agreed to.

The resolution as amended was agreed to.

MISSISSIPPI RIVER DAM.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (S. 5972) permitting the building of a dam across the Mississippi River between the village of Sauk Rapids, Benton County, Minn., and the city of St. Cloud, Stearns County, Minn., and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAM REVENUE CUTTER FOR ALBEMARLE SOUND, ETC.

Mr. CLAY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 2510) for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina, to report it favorably without amendment.

Mr. OVERMAN. I ask for the present consideration of the bill just reported by the Senator from Georgia.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to construct a steam revenue cutter of the first class adapted to service in the waters of Albemarle and Pamlico sounds and Neuse River, North Carolina, at a cost not to exceed the sum of \$175,000.

Mr. OVERMAN. I ask that the letter from the Secretary of the Treasury be read in connection with the bill.

The PRESIDING OFFICER. The letter also will be read.

The Secretary read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,

Washington, December 11, 1903.

SIR: I have to acknowledge the receipt of letter of the 7th instant inclosing House bill 2510, "to provide for the construction of a steam revenue cutter adapted to service in the waters of Albemarle and Pamlico sounds, North Carolina," for such suggestions as may be deemed proper touching the merits of the bill and the propriety of its passage.

In reply I have to say that a new vessel is needed to take the place of the steamer *Boutwell*, now on duty in the waters of North Carolina. This vessel is over 30 years of age, is virtually worn out, and ill adapted for the duty required.

The original cost of the *Boutwell* was \$70,000. Since her purchase repairs amounting to nearly \$60,000 have been made to the vessel. She now requires very extensive repairs, including new decks, new boiler, and general overhauling, and it is not considered for the interests of the service to put other than minor repairs upon the vessel.

I recommend the passage of the bill, which is herewith returned.

Respectfully,

L. M. SHAW, Secretary.

The CHAIRMAN OF THE COMMITTEE ON

INTERSTATE AND FOREIGN COMMERCE,

House of Representatives.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LIGHT-HOUSE AND BUOY TENDER FOR THIRD DISTRICT.

Mr. GALLINGER. I am directed by the Committee on Commerce to report back favorably without amendment the bill (S. 6003) to provide for the construction of a light-house and buoy tender for the inspector of the third light-house district. I call the attention of the Senator from Connecticut [Mr. PLATT] to the matter.

Mr. PLATT of Connecticut. I ask that the bill may be now considered. I understand that some similar cases are being considered. The necessity for the tender is very great.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That there shall be constructed by the Secretary of Commerce and Labor a light-house and buoy tender for use in the third light-house district at a cost not to exceed \$135,000, and the Light-House Board is authorized to employ temporarily at Washington three draftsmen, to be paid at current rates, to prepare the plans for the said light-house and buoy tender, such draftsmen to be paid from the appropriation for building said vessel, such employment to cease and determine on or before the date when the plans for such light-house and buoy tender shall be finished and proposals for building said vessel are invited by advertisement; and for this purpose the sum of \$135,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COUNTING OF ELECTORAL VOTES.

Mr. BURROWS, from the Committee on Privileges and Elections, to whom was referred the concurrent resolution submitted by himself December 8, 1904, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1905, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; that two tellers shall be previously appointed on the part of the Senate and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter A; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

BILLS INTRODUCED.

Mr. ALGER introduced a bill (S. 6292) for the relief of Delia B. Stuart, widow of John Stuart; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6293) granting a pension to Lydia A. Bingham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BLACKBURN introduced a bill (S. 6294) for the relief of Mrs. Olivia F. Moore, formerly Mrs. Olivia F. James; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6295) granting a pension to Jane Agnew;

A bill (S. 6296) granting a pension to Sarah Ann Bradford (with accompanying papers);

A bill (S. 6297) granting a pension to Jesse Peters;

A bill (S. 6298) granting an increase of pension to Condy Manelius;

A bill (S. 6299) granting an increase of pension to Albert Ivers;

A bill (S. 6300) granting an increase of pension to John P. Patterson (with accompanying papers);

A bill (S. 6301) granting an increase of pension to John Oursler (with accompanying papers);

A bill (S. 6302) granting a pension to Margaret M. McPherson;

A bill (S. 6303) granting an increase of pension to James Gwyn (with accompanying papers); and

A bill (S. 6304) granting an increase of pension to Jacob Bickart (with accompanying papers).

Mr. PENROSE introduced a bill (S. 6305) to correct the military record of Joseph P. Swope; which was read twice by its

title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6306) to authorize the President to appoint Capt. Henry H. Bellas (retired) to the grade of major and place him on the retired list; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 6307) to correct the naval record of James Foust; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 6308) for the relief of Thomas M. Steep;

A bill (S. 6309) for the relief of Jacob Livingston & Co. (with accompanying papers); and

A bill (S. 6310) for the relief of Jones & Laughlin (Limited) and others (with an accompanying paper).

Mr. FORAKER introduced a bill (S. 6311) for the relief of James W. Jones; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 6312) providing for the construction of irrigation and reclamation works in certain lakes and rivers; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also introduced a bill (S. 6313) providing for the disposal of lands acquired under the provisions of the reclamation act; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. HANSBROUGH introduced a bill (S. 6314) for the relief of certain receivers of public moneys, acting as special disbursing agents, in the matter of amounts expended by them for per diem fees and mileage of witnesses in hearings, which amounts have not been credited by the accounting officers of the Treasury Department in the settlement of their accounts; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced a bill (S. 6315) granting an increase of pension to Theodore McClellan; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 6316) for the establishment, control, operation, and maintenance of a national sanitarium of the National Home for Disabled Volunteer Soldiers, at Thermopolis, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 6317) for the relief of George W. Board; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6318) concerning foreign-built dredges; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6319) providing for compulsory education in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6320) to amend an act approved February 28, 1903, entitled "An act to provide for a union railroad station in the District of Columbia, and for other purposes;" which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 6321) granting a pension to Hattie F. Davis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6322) for the erection of a public building at Belvidere, Ill.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. MALLORY introduced a bill (S. 6323) granting a pension to Elizabeth Prigon; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6324) granting a pension to Annie M. Kelly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 6325) to amend section 5398 of the Revised Statutes; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 6326) increasing the limit of cost of public building at Meriden, Conn.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. BURNHAM introduced a bill (S. 6327) for the relief of L. K. Scott; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAILEY introduced a bill (S. 6328) for the relief of Daniel W. Dorris; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 6329) authorizing the appeal of a test case from the citizenship court of the Choctaw and Chickasaw nations of the Indian Territory to the circuit court of appeals of the eighth circuit, at St. Louis, to determine the legal status of intermarried citizens and their descendants; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PETTUS introduced a bill (S. 6330) for the relief of the Mitsui Bussan Kaisha; which was read twice by its title, and referred to the Committee on Claims.

Mr. McCREARY introduced a bill (S. 6331) granting an increase of pension to John W. Faulkner; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6332) granting an increase of pension to John B. Lucas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6333) for the relief of the estate of George F. Lee, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CULBERSON (by request) introduced a bill (S. 6334) for the relief of the estate of John G. Snell, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. KEAN introduced a bill (S. 6335) to correct the military record of Joseph A. Blanchard, late first lieutenant of Troop E, First New York Mounted Rifles; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. BLACKBURN introduced a bill (S. 6336) granting an increase of pension to Frances B. Kellogg; which was read twice by its title, and referred to the Committee on Pensions.

OFFICES OF PRESIDENT AND VICE-PRESIDENT.

Mr. BAILEY introduced a joint resolution (S. R. 87) proposing an amendment to the Constitution of the United States, extending the term of the President; which was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution of the United States be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall become and be a part of the Constitution, and shall be known as Article XVI of the amendments to the Constitution:

"The executive power shall be vested in a President of the United States, who shall hold his office during a term of six years, and, together with the Vice-President, chosen for the same term, be elected as provided in Article XII of the amendments to this Constitution. The President shall forever be ineligible to a reelection, nor shall any person be eligible to an election to the Presidency who has served as President under any succession provided for in this Constitution or the laws made in pursuance thereof."

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. PENROSE submitted an amendment relative to the promotion of certain retired officers of the Navy who served during the civil war, intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Naval Affairs, and ordered to be printed.

OBSCENE LITERATURE, ETC.

Mr. PENROSE. I move that the Committee on Post-Offices and Post-Roads be discharged from the further consideration of the bill (H. R. 9493) to amend the act of February 8, 1897, entitled "An act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," so as to prevent the importation and exportation of the same, and that it be referred to the Committee on Interstate Commerce.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of John Simpson, accompanying Senate bill 1368, Fifty-eighth Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

REPORT OF MERCHANT-MARINE COMMISSION.

Mr. GALLINGER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth 6,000 copies of the report on the Development of the American Merchant Marine and American Commerce, and of the testimony taken in connection therewith, of which 2,000 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the Merchant Marine Commission, of which latter 100 copies shall be bound in half morocco.

OUACHITA RIVER BRIDGE.

The PRESIDING OFFICER. If there be no further concurrent or other resolutions, the morning business is closed, and the Calendar under Rule VIII is in order.

Mr. McENERY. I ask unanimous consent for the present consideration of the bill (S. 6019) to authorize the parish of Caldwell, La., to construct a bridge across Ouachita River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments, on page 1, line 10, after the words "Sec. 2," to strike out:

That the said bridge authorized to be constructed under this act shall be built and constructed, upon plans to be approved by the Secretary of War, from the end of the main street of said town of Columbia, on the west bank of said Ouachita River, to a point on the east side which said street if projected across the river would touch: *Provided.*

And in line 14, page 2, after the words "Secretary of War," at the end of the section to insert:

And the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interest of navigation.

So as to make the section read:

SEC. 2. That the said bridge shall be constructed under and subject to such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said parish shall submit for his examination and approval a design and drawing of the bridge and a map of the location; and until the location and plan of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War; and the said company shall, at its own expense, make from time to time such changes in said bridge as the Secretary of War may order in the interest of navigation.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONSULAR OFFICE RENT.

Mr. LODGE. I ask unanimous consent for the consideration at this time of the bill (S. 3313) to amend section 1706 of the Revised Statutes.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend section 1706 of the Revised Statutes by striking out the words of that section "not to exceed, in any case, 20 per cent of the amount of the annual compensation allowed to such officer," so that the act shall read, "the President may allow consular-general, consuls, and commercial agents who are not allowed to trade, actual expenses of office rent whenever he shall think there is sufficient reason therefor."

Mr. TELLER. I wish the Senator who reported that bill would explain what the purpose of it is, as I could not catch it from the reading at the desk.

Mr. LODGE. The law now provides that there shall not be more than 20 per cent per annum allowed for the office rent of any consulate of the United States.

Mr. TELLER. Twenty per cent of what?

Mr. LODGE. Twenty per cent of the salary fixed by law.

The result of that is in some cases the allowance is very much too large and in other cases it is very much too small. It is a matter now of discretion, to be paid out of the earnings of the service. The Department think it extremely necessary that the consuls should have this latitude, in order to furnish a sufficient sum for proper rent at some of the most important places, notoriously at London. The Committee on Foreign Relations very carefully discussed the bill, and the report is unanimous.

Mr. TELLER. I do not want to interfere with this bill, but I do want to say to the Committee on Foreign Relations that there is in the neighboring Republic of Mexico great need of some additional consulates. There are many sections of that country where people of the United States are investing large sums of money, a long distance from the consulate. I want to call the attention of the committee to the fact. I am particularly interested in a large colony of Colorado people who have gone into Mexico and have invested several millions of dollars there. They have appealed to me to see if they can not have consulates established at two or three different points. I wish the committee would consider that matter.

Mr. LODGE. That is very important, Mr. President.

Mr. CULLOM. I only wish to say that when information comes to the Committee on Foreign Relations of the need of consulships the committee has been inclined to provide for them. I know of one or two cases in Mexico where I hope consulates will be established, but it is rather difficult for the Committee on Foreign Relations to hunt up such places. Of course, when

they are brought to the attention of the committee we give them proper consideration.

Mr. TELLER. I will state to the chairman of the committee that in a day or two I shall present him some points where I think there should be consulates established purely from a business standpoint.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRACTICE OF MEDICINE AND SURGERY IN THE DISTRICT.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5359) to amend "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. KEAN. I inquire if there is a report accompanying that bill, Mr. President?

Mr. TELLER. If there is a report, let it be read.

Mr. GALLINGER. Mr. President, possibly if I should make a brief statement it would obviate the necessity of reading the report.

The bill is asked for by the medical supervisors of the District and the leading physicians of this city. All it proposes to do is to establish a reciprocal arrangement, so that if in the State of Colorado, for instance, a practitioner of medicine is required to be a graduate of a medical school and is required to have a certificate from the State board of medical examiners equivalent to that required in this District, he may be permitted to practice in the District of Columbia, provided the State of Colorado extends the same reciprocal courtesy to practitioners of the District of Columbia going into that State. The bill simply commences a system of reciprocal courtesy, which can not by any means lower the standard of medical education, but which will be of some advantage to physicians of repute holding the right to practice in their several States—all the States now have laws on this question of medical practice and they are essentially the same—so that they may not be subjected to certain annoyances which they find when they go from one jurisdiction to another. That is all there is in the bill. I think it is a very proper bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDNANCE DEPARTMENT.

Mr. WARREN. Mr. President, I ask leave for the consideration at this time of the bill (S. 5166) to increase the efficiency of the Ordnance Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments, in section 1, page 1, before the word "colonels," at the beginning of line 5, to strike out "seven" and insert "six;" in the same line, before the word "lieutenant-colonels," to strike out "ten" and insert "nine;" in the same line, before the word "majors," to strike out "twenty-one" and insert "nineteen;" in line 6, before the word "captains," to strike out "twenty-three" and insert "twenty-five;" and in line 7, before the words "first lieutenants," to strike out "twenty-three" and insert "twenty-five;" so as to make the section read:

That the Ordnance Department shall consist of one chief of ordnance, with the rank of brigadier-general; six colonels; nine lieutenant-colonels; nineteen majors; twenty-five captains; twenty-five first lieutenants, and the enlisted men, including ordnance sergeants, as now authorized by law. The vacancies thus caused or created shall, as far as possible, be filled by promotion according to seniority as now prescribed by law, except that the chief of ordnance shall be selected from the permanent officers of the corps for a period of four years.

The amendments were agreed to.

Mr. TELLER. I wish the Senator who has reported this bill would give us some explanation of what is proposed to be accomplished by it.

Mr. WARREN. Mr. President, when the so-called "staff bill" was passed there was some doubt in the War Department and some doubt on the part of many Senators whether it sufficiently provided for the Ordnance Corps. It was submitted to trial, and it has been found that there are too few by seven or eight members of the staff, and that it is difficult to fill from the line under such an examination as the officers are obliged to submit to, because at present there is no promotion in the transfer or

detail. In other words, a man who is a first lieutenant in the line has to submit to a severe examination in order to pass and become eligible, and after having studied long and hard to obtain admission to that corps he gets no advantages in the way of promotion or pay, but is simply there for a short time and goes back to the line at the end of his detail service.

The bill raises the number of officers in the Ordnance Corps from seventy-four to eighty-one. It cuts down somewhat the estimate of the Department, and it leaves first lieutenants and captains eligible to captains' places after they have passed certain examinations, and second lieutenants from the Army at large eligible to first lieutenants' places in the ordnance service.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY MEDICAL DEPARTMENT.

Mr. WARREN. Mr. President, I do not wish to monopolize so much of the time of the Senate, but I feel obliged to call up a similar bill to the one just passed. I ask unanimous consent for the present consideration of the bill (S. 4838) to increase the efficiency of the Medical Department of the United States Army.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PLATT of Connecticut. Mr. President, this bill is no doubt intelligible to a Senator who is on the Committee on Military Affairs, but to a layman it seems technical, and I think there ought to be some little explanation of it.

Mr. WARREN. Mr. President, it is true the bill is a long one and seemingly technical, but in the sum total the bill is simply one to provide better regulations for the continuance of our Medical Corps. It is perfectly patent, from the fact that during the Spanish war there was a great increase of those employed in the medical service, and that at the close of that war there was a release of some portion of the force, that some measure of reorganization ought to be provided.

This bill does not, in my judgment, materially increase the expense of the corps. In the first place, it makes it possible to do away, in a measure, with the contract-surgeon system, which is now so prevalent and under which we have some 200 employees. It makes it harder for an applicant to get promotion—

Mr. SPOONER. I should like to inquire of the Senator how does the bill enable the doing away with the contract surgeons. Does it make them all officers?

Mr. WARREN. Some of them may be made officers—a reserve corps is provided for and one or more or all of the reserve corps may be called into service as occasion requires. While these are officers of the Army under that reserve corps, and under pay while actually employed, they are not entitled to retirement under pay, pension, etc.

Mr. SPOONER. Does the Senator think it is a good thing to do away with the contract surgeons?

Mr. KEAN. Mr. President, it is impossible to hear the Senators.

Mr. WARREN. This measure does away with the necessity of having in the service so large a proportion or number of army contract surgeons.

Mr. PLATT of Connecticut. There is one question I should like to ask. As I caught the reading of the bill, it provides that where a person is retired on account of disability he shall be retired at a rank higher than the rank which he is enjoying at that time. In other words, there shall be with the retirement promotion to a higher rank. I may not have caught it correctly, but I think I did. I should like to inquire whether that is the rule with reference to other bureaus or departments in the Army?

Mr. WARREN. Perhaps the understanding of the Senator is a little different from mine. For instance, if to-day the Senator were an officer of the Army and entitled to promotion by date and seniority, and he were on examination found inefficient physically, he would be retired with the grade that he were entitled to be seniority rather than to deny him that promotion which he had earned by long and faithful service in the Army because, broken down in health through such long service, he were found physically inefficient.

Will the Senator call my attention to the particular paragraph he has in mind?

Mr. PLATT of Connecticut. I presume the Senator from Wyoming is entirely correct, but my impression was derived from a reading of the bill, and it is very difficult to catch it as it is read from the desk. In section 5, on page 4, there is this provision:

That no officer of the medical corps shall be promoted therein until he shall have successfully passed an examination before an army medical

board consisting of not less than three officers of the medical corps, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service.

Then there is a proviso—

Mr. WARREN. The Senator will understand—

Mr. PLATT of Connecticut. Let me read the proviso.

Mr. WARREN. Yes.

Mr. PLATT of Connecticut. It says:

Provided, That should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted.

Mr. WARREN. That is perfectly clear.

Mr. PLATT of Connecticut. Does that apply in other departments of the Army?

Mr. WARREN. Oh, yes. It applies and should apply to all departments of the Army.

As I stated before, when the proper time comes for the promotion of an officer by law, unless some examination intervenes, he of course passes up to promotion one higher grade through that, and if but a day after that he should be found physically incapable he would be retired in his new rank.

Now, this proposes that even though an officer's seniority entitles him to promotion he is not promoted to active service without an examination to see whether his capabilities, mental and physical, are sufficient to warrant such promotion. If he is found physically incapable, he is retired and goes on the retired list with that rank to which he would be entitled were it not for his physical disability.

Mr. PLATT of Connecticut. I think I understand it. But some cases have come to my attention in the line of the Army where an officer has been retired for physical disability, and, although he was just on the eve of promotion, retired at the rank which he then held. He lost his promotion. In some cases, and one particularly of which the Senator from Kentucky [Mr. BLACKBURN], who is listening to me knows, it was very hard indeed. I had thought that perhaps it had been corrected by general law. If not, it ought to be.

Mr. WARREN. There have been cases under old laws, and most of them have been since righted by special legislation. The later course was to pass the officer up to his rank, as if in health, and then retire him soon after.

Now, it is the intention to provide that in all cases there shall be an examination and favorable recommendation as well as seniority before promotion, and that a man's physical disability shall not be a bar to his receiving generous treatment at retirement.

Mr. PLATT of Connecticut. I think there ought to be uniformity in the whole Army about this matter. If we are providing it in reference to the medical staff or corps, the same rule ought to apply to the line.

I hesitate to say anything about this matter, for I probably know as little about the organization of the Army as any Senator.

Mr. PROCTOR. Mr. President, for a long time there has been a statute providing that if an officer reaches the head of his grade and is entitled to promotion, except that he is physically disqualified, he shall be retired at the higher grade.

That has been the statute for quite a good many years referring to all—

Mr. PLATT of Connecticut. Does this provision precisely correspond to that or is it an enlargement of it?

Mr. PROCTOR. I can not say, as I have been out of the Chamber and do not know the particular provision which is under discussion.

Mr. WARREN. In my judgment this bill could have been drawn in shorter form, relying upon the different existing statutes, but sometimes in constructing a measure it is better, instead of referring to other statutes, to have the whole text written out. This provision corresponds identically, according to my understanding, with the advantages offered in other lines.

Mr. SPOONER. I should like to inquire of the Senator from Wyoming what is the strength of the medical corps? This provides for—

16 colonels, 24 lieutenant-colonels, 110 majors, and 300 captains or first lieutenants, who shall have rank, pay, and allowances of officers of corresponding grades in the cavalry arm of the service.

Mr. WARREN. Under existing law there is 1 brigadier-general, 9 colonels, 12 lieutenant-colonels, 60 majors, 155 captains mounted, 75 first lieutenants, 200 contract surgeons, something over 500 in all.

Mr. SPOONER. What increase will this bill, if it is passed, make in the number of medical officers in the Regular Army?

Mr. WARREN. It increases in some grades and decreases in others, but the total number is not increased; on the contrary,

it is decreased over fifty, including, of course, the contract surgeons.

Mr. SPOONER. Are all these reserve corps men to be paid, whether on active duty or not?

Mr. WARREN. Oh, no.

I may say to the Senator that it gives the medical corps a more liberal number of the high-grade officers, but gives it no more in bulk, I may say, or in the aggregate, than at present employed.

The Senator has asked about the medical reserve force. This force is in line of, you may say, the contract surgeons. It may be called into service, in whole or in part, whenever needed. Its members will have passed examinations, be placed on the roll, and can be put into the service at any time, but they do not accumulate the right of officers regarding pay after retirement, pension, etc., and are under no pay except when in the service.

The PRESIDING OFFICER. The amendment reported by the Committee on Military Affairs will be stated.

The SECRETARY. On page 4, section 3, after the word "years," in line 9, it is proposed to insert "reckoned from the date of his commission;" so as to read:

Provided further, That a first lieutenant of the medical corps, upon the completion of three years' service, including service as assistant surgeon in the Regular Army, or as surgeon or assistant surgeon in the Volunteer Army during the war with Spain or since, or on active duty as first lieutenant in the medical reserve corps as hereinafter provided, shall be entitled to the pay and allowances of a captain of the medical corps, and when the aggregate of his service, either as first lieutenant in the medical corps or as assistant surgeon in the Regular Army, equals three years, reckoned from the date of his commission, he shall be entitled, subject to examination, to promotion to the grade of captain in the medical corps.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CAROLINE MURTAGH.

Mr. STEWART. I ask unanimous consent for the present consideration of the bill (S. 5396) for the relief of Caroline Murtagh.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and insert:

That the claim of Caroline Murtagh, as widow and sole heir of William J. Murtagh, deceased, for printing Treasury Department advertisements in the National Republican newspaper of Washington City during the years 1870 to 1873, inclusive, is hereby referred to the Court of Claims for adjudication, and if the court shall find that said advertisements were published with the knowledge and acquiescence of the President and that it had been usual and customary to publish such advertisements in the National Republican, and that said Department derived benefit from their publication, then the said court shall render judgment in such amount as will fairly compensate the said claimant for said advertisements, not to exceed the usual and customary rates of compensation.

Mr. SPOONER. Mr. President, I do not object to the consideration of this bill by the Senate. The matter was discussed on a former occasion, and I see no reason myself to arrive at a different conclusion from the one which forced itself upon me at that time. These empty benches will not take much interest in it, but I want to say a word about the bill if the Senate is to pass it and refer this matter to the Court of Claims, in order that it may not seem from the record that by common consent it was evidently the opinion of the Senate that the report contained evidence warranting the inference that the claim should be allowed by the Court of Claims.

In a nutshell, it is a case of sympathy; and I always sympathize with a woman whose husband performed some service for the Government and who wants pay for it.

The bill provided for seventeen thousand and some hundred dollars to pay for the publication of certain advertisements or notices in the Republican, then a prominent newspaper of this city. The law at that time provided that no advertisement, notice, or proposal for any Executive Department of the Government, or any Bureau thereof or for any office therewith connected, should be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department, and that no bill for such advertising should be paid unless there were presented with such bills a copy of the written authority required by law.

Mr. Murtagh, who was the owner of the National Republican, as I understand, and a friend of General Grant, had been in the habit of publishing these advertisements. However, for some reason, the law having been changed—he claims it was because of the personal animosity of Mr. Boutwell, who was then Secretary of the Treasury—he was unable to secure from the Secretary of the Treasury any written authority to publish these notices in his newspaper. The Secretary of the Treasury gave

authority to other newspapers in the city, such as he chose, for the publication of the notices, and the report affords evidence that the notices were legally published in other newspapers and were paid for.

There is no possible theory upon which this claim can be maintained against the Government except upon the statements of this report, not one of which I think my friend the Senator from Nevada will agree could be competently proven in the Court of Claims. Take, for instance, the fact stated here, that Mr. Murtagh told his wife that in conversation with President Grant he was advised to go ahead and publish the notices without the written authority from the Secretary of the Treasury, and he (Grant) would see that the bill was paid. Of course a statement made by Mr. Murtagh to any third party would not be competent as proving that Mr. Murtagh had any such conversation with General Grant.

The conclusive presumption is that he must have misunderstood President Grant, for the statement here puts President Grant in the position of willfully violating an act of Congress. President Grant must have known, for the act was plain, that the bill could not be lawfully paid by the Secretary of the Treasury. The payment of it would be a gross, palpable, defiant violation of the law. The Senator admits that. And yet the principal foundation of this claim is that President Grant promised payment thus in violation of law.

If President Grant had been so anxious that these advertisements should be printed in that newspaper, he would have adopted a different course from that indicated here. He would not have said to Mr. Murtagh: "Publish these without authority of law, and I will see that you are paid in violation of law." He would have instructed the Secretary of the Treasury, it being purely an administrative matter, to publish the advertisements in Mr. Murtagh's newspaper and to give the requisite written order to that effect.

Here is a statement from Colonel Crook which shows the flimsiness of this whole business and the attempt to bolster up the claim, in which Colonel Crook testifies to the friendly relations between President Grant and Mr. Murtagh, and asserts his conviction that President Grant would not have permitted any injustice to be done to Mr. Murtagh. That has no tendency to support the charge which is made here against President Grant of violating a plain act of Congress, which was binding upon him, but, on the contrary, it tends very strongly to discredit the fundamental proposition upon which this claim is based, and that is that General Grant desired the publication in that newspaper, because if General Grant felt that his Secretary of the Treasury, out of pure personal hostility to his friend Murtagh, was doing him an injustice, he would have made his order to the Secretary of the Treasury to give the authority to Murtagh to publish the advertisements. He did not do that. He left it entirely to the Secretary of the Treasury, notwithstanding the appeal of Mr. Murtagh to him, and the fact is shown here that the Secretary's refusal to give the order was brought to the attention of General Grant before the publication.

It is absolutely inconceivable on the statements here made to me—I do not know how it may strike the two or three Senators who are giving attention to the public business just now—

Mr. KEAN. Here are two.

Mr. SPOONER. Well, a few. It is absolutely inconceivable, upon the statements made in this report, that any such promise should ever have been made by the President. All the parties are dead except the claimant. Mr. Murtagh is dead; President Grant is dead; and there is nothing here, in my judgment, to send to the Court of Claims. If the Senate wants to send the claim there, carrying with it the inference that in the opinion of this body or of the Congress the statements made here are deemed an adequate foundation for a judgment against the Government for \$17,000, the Senate can do it, of course.

Mr. STEWART. Mr. President, if this was a claim Mr. Murtagh could have obtained payment for upon demand, it never would have been here. He was demanding payment, undoubtedly, all the time. As far as that is concerned, we admit it. The fact, however, appears that he published the notices as he had been doing before and as he did afterwards. Indeed, he published the leading newspaper in this place. It appears that the Secretary of the Treasury, for some peculiar reason of his own, did not order the publication. It is stated by witnesses that President Grant acquiesced in what was done. I do not think so. He did not order that the claim be paid. Of course, he could have commanded the Secretary of the Treasury to issue the necessary order, but Senators know how those things are neglected.

Mr. SPOONER. The Senator does not mean to say that

the President after publication, and without a change in the act of Congress, could have ordered the Secretary to pay the claim?

Mr. STEWART. He could have ordered him to publish the notices.

Mr. SPOONER. Yes. Why did he not?

Mr. STEWART. I do not know why he did not. Such things pass along very frequently without action. A great many things are not done which ought to have been done at the time. I think very likely if President Grant had thought his not doing it would prevent any payment hereafter he would have ordered it.

Now, this is not a new claim. It was presented by Mr. Murtagh himself, for many years, while living. It has been pending during the last fifteen or twenty years, probably. While Mr. Murtagh was alive and able to support his family I did not look into it so particularly. Now he is dead and his aged widow is penniless. His newspaper did this work. The bill provides that if the court shall find that the publication was made and was useful to the Government and was acquiesced in by the President, she may then be compensated. I think that is a fair thing to do. If there is no evidence to sustain the claim, if the claimant can not prove that the publication was made, and that it was useful, of course she can not recover. I admit that it will be a very difficult case to make out. After the statement of the Senator from Wisconsin, with no implication that the Senate has investigated it and found the testimony sufficient, it goes there to let the court examine it and see. If valuable service has been rendered to the Government it ought to be paid for. Upon such a finding the bill allows the court to enter a judgment for such amount as will fairly compensate for the service. I think the bill ought to pass under those circumstances. I think the claim ought to go to the court and that the claimant should be given a hearing.

Mr. SPOONER. Mr. President, just a word. There is nothing that passed along and was forgotten in the time of this claim. It was not something that was overlooked by President Grant. It was not some statutory prerequisite that was carelessly forgotten by Mr. Murtagh. Here is the affidavit of Mr. Murtagh:

Under this designation and authority this affiant published and was paid for so publishing all United States Government advertisements, but in 1870 Congress enacted a law requiring that no advertisement, notice, or proposal for any Executive Department of the Government or for any bureau thereof or for any office therewith connected, should be published in any newspaper whatever except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising or publication should be paid unless there was presented with such bill a copy of the written authority required by said law. This affiant obtained the written authority required by the beforementioned act of Congress from the heads of all the other Departments, but failed to obtain the authority from the Treasury Department for the reason that affiant had opposed some of the policies of the Secretary of the Treasury and incurred his displeasure. Affiant explained the matter to President Grant.

Now, there we find the whole subject explained to President Grant. President Grant knew about the requirement of the law, first, that the publication should not be had without the prior written authority; second, that it should not be paid for except upon vouchers accompanied by the written authority. The refusal of the Secretary of the Treasury to give the written authority to Mr. Murtagh was brought to the attention of President Grant.

What is the attitude in which this affidavit puts President Grant? President Grant in that case, in my opinion, without any question if he had seen fit, would have overruled the Secretary of the Treasury, and would have directed him, as he had a right to do, to make the publication in the National Republican. That he did not do, and President Grant was pretty apt to do what he wanted to do, where he had the power to do it, as he had in this case. But this affiant says:

Affiant explained the matter to President Grant, and inquired of him if it was safe to continue the publication of the advertisements of the Treasury Department. The President remarked that he had better continue the publication—

In absolute violation of law—

and that he could rely on his good offices in the premises.

The only good offices the President could exercise would be a recommendation to Congress to pay the bill. Where is it?

Mr. STEWART. It is not here.

Mr. SPOONER. No; it is not here. I sympathize with the claimant, but I am here as the Senator is, a trustee for the people; and while we have a right to be sympathetic, of course, and generous with our own, we have no right to vote away the people's money without some warrant for it.

Mr. STEWART. While we have a right to be sympathetic and generous to our own, every person who has served the Government and has benefited the Government has a right to compensa-

tion. None of the claims in this claims bill here on my desk have been paid. It has not, I suppose, a claim in it that can be enforced otherwise than through Congress, by Congress recognizing the equity of the claim.

The services were performed in this case. I know something personally about the difficulty at that time and the relation between Secretary Boutwell and Mr. Murtagh at the time, but I do not care to state it. It made the matter a little personal to the President, and he would not like to interfere in such a case. I understand all that. Mr. Murtagh had been publishing in his newspaper here all the other notices before as he did afterwards. I think under the circumstances the court ought to inquire into it, and if it be shown clearly that the Government was benefited, I do not think that woman ought to starve while her husband performed services that benefited the Government and the Government withholds the money. I do not think it is purely a question of sympathy, but I think it is a question of equity. I think the bill ought to pass.

When the bill was up before, proposing to pay a certain amount of money, my attention was called to it and I could not state to the Senate that it was such a case as would warrant me in urging the passage of the bill. I had the bill referred back to the committee. The Senator from Maryland [Mr. McCOMAS] then introduced another bill, which was brought before the committee, and a substitute was reported for it. Under the circumstances, I think the question whether Mr. Murtagh did services which benefited the Government should be inquired into; and, if he did, this poor old lady ought to be paid what was fairly earned by her husband.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

Mr. KEAN. I thought the bill was open to objection.

The PRESIDING OFFICER. The consideration of the bill was not objected to. It is before the Senate as in Committee of the Whole.

Mr. KEAN. It is subject to objection at any time.

The PRESIDING OFFICER. Does the Senator from New Jersey object?

Mr. KEAN. Let the bill go over.

The PRESIDING OFFICER. The bill being objected to, it goes over under the rule. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. NELSON. Mr. President, yesterday, in the remarks I then made touching the matter of the school-land grants in Oklahoma, New Mexico, and Arizona, I inadvertently made statements that were misleading to the Senate. It was not my purpose in any manner to create a false impression. Since yesterday I have carefully looked up the statutes on the subject, and I now desire to state to the Senate, briefly, the facts in reference to these school-land grants.

Oklahoma, by the act creating that Territory, was given a school-land grant of two sections in every township—sections 16 and 36. It was not in the form of a grant, but simply in the form of a reservation. Subsequent to that act, by three different acts of Congress, one found in 26 Statutes, page 1026, one found in the same Statutes, page 1043, and also a provision contained in 28 Statutes, page 71, authority was given to lease these school lands thus reserved. I will read the last of these acts bearing upon this subject, showing what authority was given in the premises. The act approved May 4, 1894, is as follows:

That the reservation for university, agricultural college, and normal school purposes of section 13 in each township of the lands known as the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, in the Territory of Oklahoma, not otherwise reserved or disposed of, and the reservation for public buildings of section 33 in each township of said lands, not otherwise disposed of, made by the President of the United States in his proclamation of August, 19, 1893, be, and the same are hereby, ratified, and all of said lands and all of the school lands in said Territory may be leased under such laws and regulations as may be hereafter prescribed by the legislature of said Territory; but until such legislative action the governor, secretary of the Territory, and superintendent of public instruction shall constitute a board for the leasing of said lands under the rules and regulations heretofore prescribed by the Secretary of the Interior.

In this connection I desire to state that I am informed by the Delegate from Oklahoma Territory in the House of Repre-

sentatives that the legislature of that Territory has taken no action in this matter; but from the report of the governor of Oklahoma it appears that these lands, ever since authority was given under the statute to lease them, have been leased and have brought a large revenue to the Territory of Oklahoma. The common school fund of Oklahoma, according to the last report of the governor of that Territory—the report for 1904—states that \$1,434,429 has been derived from the lease of the school and other lands granted or reserved to the Territory of Oklahoma.

In relation to New Mexico the condition is this: In the act creating the Territory sections 16 and 36 were reserved for school-land purposes, but by the act of June 21, 1898 (30 Stat. L., p. 484), these sections of land were absolutely granted to the Territory in fee. Subsequently a law was passed permitting the lands to be leased. That is found in section 10 of the act of June 21, 1898 (30 Stat., 486). They were permitted by that act to be leased for a period not exceeding five years, and no more than one section of land could be leased to any firm or corporation. As to Arizona, the reservation of sections 16 and 36 in every township given to New Mexico by the act creating the Territory while Arizona was a part of it inured to Arizona when that was created, and was not referred to nor repealed in the act creating Arizona. Subsequently an act was passed authorizing the lease of the school lands in Arizona. The act authorizing the leasing is found in 29 Statutes, page 90. No more than one section can be leased to any one person or corporation under the provisions of the act nor for a longer period than five years.

I desire further to call attention in this connection to the statute I have already referred to, the act of June 21, 1898, which gave an absolute grant to the Territory of New Mexico of the two school sections. It also gave a number of other grants, for university and other purposes and for irrigation purposes. These were absolute grants to the Territory. While the act provided that of the lands granted for university purposes the saline lands and sections 16 and 36—the school sections—could be leased, it provided that "the remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of the Territory of New Mexico."

Mr. FORAKER. Will not the Senator be willing to just read the terms of the grant as they appear in the statute?

Mr. NELSON. Yes. There are several grants. Here is the grant of the school-land sections. I read from the act of June 21, 1898:

That sections Nos. 16 and 36 in every township of the Territory of New Mexico, and where such sections, or any parts thereof, are mineral or have been sold or otherwise disposed of by or under the authority of any act of Congress, other nonmineral lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said Territory for the support of common schools, such indemnity lands to be selected within said Territory in such manner as is hereinafter provided.

Then there is a proviso, which is not material. I will read the other grants from the same act:

Sec. 2. That fifty sections of the unappropriated nonmineral lands within said Territory, to be selected and located in legal subdivisions as hereinafter provided in this act, shall be, and are hereby, granted to said Territory for the purpose of erecting public buildings at the capital of the State of New Mexico when said Territory shall become a State and be admitted into the Union, when said capital shall be permanently located by the people of New Mexico, for legislative, executive, and judicial purposes.

Then there is another grant:

Sec. 3. That lands to the extent of two townships in quantity, authorized by the sixth section of the act of July 22, 1854, to be reserved for the establishment of a university in New Mexico, are hereby granted to the Territory of New Mexico for university purposes, to be held and used in accordance with the provisions in this section; and any portions of said lands that may not have been heretofore selected by said Territory may be selected now by said Territory. That in addition to the above, 65,000 acres of nonmineral, unappropriated, and unoccupied public land, to be selected and located as hereinafter provided, together with all saline lands in said Territory, are hereby granted to the said Territory for the use of said university, and 100,000 acres, to be in like manner selected, for the use of an agricultural college. That the proceeds of the sale of said lands, or any portion thereof, shall constitute permanent funds, to be safely invested, and the income thereof to be used exclusively for the purposes of such university and agricultural college, respectively.

Mr. FORAKER. Will the Senator state the date of that statute?

Mr. NELSON. Will the Senator allow me to continue the reading of these grants?

Mr. FORAKER. Certainly. I was asking for the date of the statute.

Mr. NELSON. I want to finish reading them.

The following-described additional grants are found in section 6 of said act:

And in lieu of any claim or demand of the State of New Mexico under the act of September 28, 1850, and section 2429 of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to said State of New Mexico, the following grants of nonmineral and unappropriated land are hereby made to said Territory for the purposes indicated, namely:

For the establishment of permanent water reservoirs for irrigating purposes, 500,000 acres; for the improvement of the Rio Grande in New Mexico, and the increasing of the surface flow of the water in the bed of said river, 100,000 acres; for the establishment and maintenance of an asylum for the insane, 50,000 acres; for the establishment and maintenance of a school of mines, 50,000 acres; for the establishment and maintenance of an asylum for the deaf and dumb, 50,000 acres; for the establishment and maintenance of a reform school, 50,000 acres; for the establishment and maintenance of normal schools, 100,000 acres; for the establishment and maintenance of an institution for the blind, 50,000 acres; for a miners' hospital for disabled miners, 50,000 acres; for the establishment and maintenance of a military institute, 50,000 acres; for the enlargement and maintenance of the Territorial penitentiary, 50,000 acres. The building known as the Palace, in the city of Santa Fe, and all lands and appurtenances connected therewith and set apart and used therewith, are hereby granted to the Territory of New Mexico.

These are all absolute grants. Then after making these grants section 10 provides:

That the lands reserved for university purposes, including all saline lands, and sections 16 and 36 reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory.

Then farther down in the same section the following provision is found:

The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory.

Mr. FORAKER. Will the Senator give me the date of that statute?

Mr. NELSON. That is the act of June 21, 1898. It is found in 30 Statutes at Large, page 484.

Mr. FORAKER. The statute does not contain after the word "Territory" the words "or any State which may in the future be incorporated?" Some such language as that was implied in the debate yesterday as appearing in these grants.

Mr. NELSON. It does not appear in the phraseology here.

Mr. FORAKER. But there is a restriction in the statute by implication at least against the sale and disposition of the school lands.

Mr. NELSON. That is, of all school lands. It does not give the legislative assembly authority in express terms to sell it, but it is an absolute grant and gives permission—

Mr. FORAKER. To lease it.

Mr. NELSON. Yes; permission to lease; and if it were not for the last quotation from the statute which I have read I think, being an absolute grant, the Territory could dispose of it. But the act contains this restriction:

The remainder of the lands granted by this act, except those lands which may be leased only as above provided, may be sold under such rules and regulations.

That, under the rule *expressio unius est exclusio alterius*, would imply that if only those lands could be sold the other lands could not be sold.

Mr. FORAKER. Can the Senator tell us whether any of the lands have been in fact sold or whether they are all still retained by the Territory of New Mexico?

Mr. NELSON. There is nothing on record that I know of, but I am informed by people from that Territory that some of the lands of New Mexico have been sold.

Mr. BEVERIDGE. If the Senator will permit me, I think the statement which will be found to be correct is about this, that sections 16 and 36 granted in fee, but with the limitation of alienation, so that they have not been parted with, is one grant. There is a 4,000,000-acre grant outside of that. The 4,000,000-acre grant I understand contained no limitation and some of it has been alienated. I think that is the correct statement.

Mr. FORAKER. But nothing has been alienated of sections 16 and 36.

Mr. BEVERIDGE. No, sir; nor do I understand that it can be alienated. May I ask whether there has been a discussion of the school lands of New Mexico?

Mr. NELSON. I have not covered the school lands at all yet.

Mr. BEVERIDGE. Might it not be well to state for the benefit of the Senator from Ohio right at this point that the school lands in New Mexico and in Arizona are practically of little value? Has the Senator been discussing that point?

Mr. NELSON. I have not got to that point.

Mr. BEVERIDGE. All right; it will be called up later.

Mr. NELSON. In respect to Arizona, I want to supplement what I said a moment before the Senator from Ohio interrupted me, by saying that in addition to the reservation of two sections of each township for school purposes given to that Territory, and which under the law I have quoted they may lease, the Territory of Arizona, by the act of February 18, 1881 (21 Stat L., 326), got an absolute grant of 75,000 acres for a State university, and in the granting act the power of sale was given. Whether the Territory of Arizona has sold any of those lands, I do not know, but the Territory has had the absolute power, since the passage of that act, of selling those lands.

I think that is all I want to say in correction of statements made in the discussion we had about this matter yesterday. I think what I have just stated and quoted places this matter correctly and truly before the Senate.

I want to go back for a moment to Oklahoma and Indian Territory in reference to the Indian question and the question of Indian allotments. On the 17th of December I addressed a letter to the Secretary of the Interior, requesting him to state what progress had been made as to allotments of lands to the Five Civilized Tribes, and the status of the case. I did not yesterday have the letter relative to that subject, but this morning received it from the Department, and I ask to have the letter incorporated in my remarks.

Mr. FORAKER. Will the Senator not read it?

Mr. NELSON. It is quite a lengthy letter.

Mr. KEAN. Let it be read.

Mr. NELSON. As I have stated, the letter is quite lengthy. I shall call attention to some other matters in connection with this subject, which will further elucidate the situation, and incorporate the letter in my remarks.

The letter referred to is as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, December 31, 1904.

The SECRETARY OF THE INTERIOR.

SIR: I have the honor to acknowledge receipt of departmental letter of the 24th instant, inclosing for immediate report a communication from Hon. KNUTE NELSON, of the Committee on Territories, United States Senate, requesting a statement relative to the extent to which allotments to members of the Five Civilized Tribes have been completed.

Senator NELSON desires details as to allotments to members of the Five Civilized Tribes in Indian Territory; how soon the lands not yet allotted are likely to be allotted; as to the per capita allotments in the various nations; the total quantity of each class of allotments; the homestead and surplus, and what provision has been made in respect to the unallotted lands.

Permit me to submit the following statement:

CHEROKEES.

Growing out of the claims of the Delawares, the allotment of lands in the Cherokee Nation was greatly delayed and was not begun until considerable progress had been made in the other nations. The agreement with the United States, approved July 1, 1902 (32 Stat. L., 716), provides for the classification of the lands at valuations from a minimum of 50 cents to a maximum of \$6.50 per acre, and for a per capita distribution according to these valuations. Under this law citizens and freedmen select as their allotments land equal in value to 110 acres of the average allottable land, which is fixed at \$325.60, and as homesteads land equal in value to 40 acres of average allottable land, fixed at \$118.40. Since allotment work began 17,273 selections and claims have been filed, out of a total enrollment of 32,178 citizens by blood, including Delawares, and 3,851 freedmen. Up to and including June 30, 1904, 1,260,408.78 acres of land of the value of \$4,291,695.34 were selected and claimed, out of a total area of 4,420,067.73 acres. Since that time the area selected has risen to 2,132,692.78 acres. It is expected that practically all the lands of the nation will be absorbed by allotments to the citizens by blood and freedmen, aside from special reservations for railroads, town sites, etc. The excess of each allotment over and above the homestead is salable after five years from date of patent.

A suit is now pending in the Court of Claims involving the right of intermarried whites to participate in the distribution of the tribal lands and funds. The questions growing out of these claims may be expected to delay the final settlement of the affairs of the tribe for several years, but the delays will involve funds rather than lands. It is impossible to forecast when the allotment work in this nation will be completed, on account of the probable delays in connection with pending litigation.

CREEKS.

The citizens and freedmen of the Creek Nation receive allotments of 160 acres each. The total area of the nation is 3,172,813.16 acres. Allotments covering an area of 2,485,068.79 acres have been made, leaving, in round numbers, less tracts reserved for sundry purposes, 640,000 acres. A total of 28,982 deeds, including homesteads and excess, have been executed by the principal chief of the nation. Of this number 27,981 have been approved, recorded, and delivered. About 1,000 deeds are withheld from delivery for various causes. Complete allotments have been made to 13,178 citizens and freedmen out of a total enrollment of 9,905 citizens and 5,473 freedmen. Homesteads consist of 40 acres. Provision is made in the Indian appropriation act approved April 21, 1904 (33 Stats., 189), for the public sale of the surplus lands of the Creek Nation. The allotment, outside of the homestead, is salable at the end of five years from date of deed. The first deeds were issued in the summer of 1902.

SEMINOLES.

The approved rolls of the Seminole Nation contain the names of 2,754 persons, to whom have been allotted 344,948.28 acres, the total area of the nation being 365,851.57, and 2,272.65 acres having been reserved from allotment for various purposes, leaving 18,630.64 acres for future disposition.

The agreement between the Commission to the Five Civilized Tribes

and the Seminole Nation, approved July 1, 1898 (30 Stats., 567), contemplated the distribution of all the lands of the nation among its citizens.

The lands were classified in three grades, first, second, and third, and the amount of \$309.09 was fixed upon as the total valuation which would approach nearest to an equal distribution of the lands. Those securing lands of the first grade received 60 acres, those receiving land of the second, 120 acres, and third, 240 acres. No patents have been issued. Legislation is now being sought from Congress for the issuance of patents and for the disposition of the surplus lands. Without further legislation on the subject the deeds or patents will not be issued until after the expiration of the tribal government, March 4, 1906. The restrictions as to the alienation of the surplus, above the homestead, will expire five years from the date of the patent. The homesteads consist of forty acres.

CHOCTAWS AND CHICKASAWS.

The Choctaw and Chickasaw citizens and Mississippi Choctaws receive allotments based on valuations, the average value being \$1,041.28, while the value of each freedman's allotment is \$130.16. The following table shows the number of acres of land embraced in an allotment, according to grade and appraisement:

Land appraised at—	Members. Freedmen.	
	Acres.	Acres.
\$6.50	160.19	20.02
6.00	173.55	21.69
5.50	189.32	23.67
5.00	208.26	26.03
4.50	231.39	28.92
4.00	260.32	32.54
3.25	320.39	40.04
3.00	347.00	43.38
2.50	416.51	52.06
2.00	520.64	65.08
1.50	694.19	86.77
1.00	1,041.28	130.16
.75	1,388.37	173.54
.50	2,082.56	260.32
.25	4,165.12	520.64

There has been allotted and selected in the Choctaw Nation, by 20,298 persons, land to the amount of 3,097,043.22 acres. In the Chickasaw Nation 17,380 allotments and selections have been made, embracing 2,675,877.15 acres. The enrollment of persons entitled to full allotments in the Choctaw Nation is 19,609; of freedmen, 4,966; and in the Chickasaw Nation, 5,468 and 4,916, respectively. The total area of the Choctaw Nation is 6,957,460.21, and of the Chickasaw Nation is 4,653,145.90.

Under the agreement with these nations citizens may sell one-fourth of that part of the allotment which is in excess of the homestead at the end of one year from date of patent, another fourth at the end of three years, and the balance at the end of five years.

The allotments of freedmen are inalienable.

Under section 14 of the supplemental agreement with the Choctaws and Chickasaws (32 Stats., 641) the residue of the lands of the nations are to be sold at public auction.

The allotment work in these nations is nearing completion.

The Indian appropriation act, approved April 21, 1904 (33 Stats., 139), contained a provision which removed the restrictions on the sale of the allotments, except the homesteads, of all intermarried whites and freedmen in the several nations. This only affects the Creek and Cherokee freedmen, as the Choctaw and Chickasaw freedmen have no surplus above the homestead.

Very respectfully,

A. C. TONNER,
Acting Commissioner.

Mr. NELSON. Mr. President, in reference to the allotments which have been made to the Five Civilized Tribes, I want to call the attention of Senators briefly to the character and nature of those allotments, and then to the legislation which was enacted in the Indian appropriation bill at the last session of Congress. There are five nations or tribes. Under an act of Congress agreements were made with the Indians and ratified by the act of March 1, 1901, for allotments to the Creek Indians, as follows:

7. Lands allotted to citizens—

That means citizens of the Creek tribe—

7. Lands allotted to citizens hereunder shall not in any manner whatsoever, or at any time, be encumbered, taken, or sold to secure or satisfy any debt or obligation contracted or incurred prior to the date of the deed to the allottee therefor, and such lands shall not be alienable by the allottee or his heirs at any time before the expiration of five years from the ratification of this agreement, except with the approval of the Secretary of the Interior.

Each citizen—

That means members of the tribes—

shall select from his allotment forty acres of land as a homestead, which shall be nontaxable and inalienable and free from any incumbrance whatever for twenty-one years, for which he shall have a separate deed, conditioned as above.

That is in respect to the Creeks. Now, in respect to the Cherokees, this is the condition of the allotments:

SEC. 13. Each member of said tribe shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 40 acres of the average allottable lands of the Cherokee Nation, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of the certificate of allotment. Separate certificate shall issue for said homestead. During the time said homestead is held by the allottee the same shall be nontaxable and shall not be liable for any debt contracted by the owner thereof while so held by him.

SEC. 14. Lands allotted to citizens shall not in any manner whatever or at any time be encumbered, taken, or sold to secure or satisfy any debt or obligation, or be alienated by the allottee or his heirs, before the expiration of five years from the date of the ratification of this act.

I call attention to the distinction that the homestead is inalienable for twenty-one years and the balance of the allotment for five years.

In respect to the Choctaw and Chickasaw nations, the following is the condition as to the allotments:

12. Each member of said tribes shall, at the time of the selection of his allotment, designate as a homestead out of said allotment land equal in value to 160 acres of the average allottable land of the Choctaw and Chickasaw nations, as nearly as may be, which shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment, and separate certificate and patent shall issue for said homestead.

13. The allotment of each Choctaw and Chickasaw freedman shall be inalienable during the lifetime of the allottee, not exceeding twenty-one years from the date of certificate of allotment.

15. Lands allotted to members and freedmen shall not be affected or encumbered by any deed, debt, or obligation of any character contracted prior to the time at which said land may be alienated under this act, nor shall said lands be sold except as herein provided.

16. All lands allotted to the members of said tribes, except such land as is set aside to each for a homestead as herein provided, shall be alienable after issuance of patent as follows: One-fourth in acreage in one year, one-fourth in acreage in three years, and the balance in five years; in each case from date of patent.

In reference to the Seminoles, the allotment was made in the same manner. Each allottee in that nation was to designate one tract of 40 acres, which shall, by the terms and conditions of the act, be made inalienable and nontaxable—a homestead in perpetuity.

So you see in these tribes there are two classes of allotments, one known as homestead and the other nonhomestead. These homestead allotments in the case of four of the nations or tribes were inalienable for twenty-one years, while in the case of the Seminoles the homestead grant was inalienable in perpetuity.

These restrictions upon the right of alienation were considerably modified by the following provision in the last Indian appropriation act:

And all the restrictions upon the alienation of lands of all allottees of either of the Five Civilized Tribes of Indians who are not of Indian blood, except minors, are, except as to homesteads, hereby removed, and all restrictions upon the alienation of all other allottees of said tribes, except minors, and except as to homesteads, may, with the approval of the Secretary of the Interior, be removed under such rules and regulations as the Secretary of the Interior may prescribe, upon application to the United States Indian agent at the Union Agency in charge of the Five Civilized Tribes, if said agent is satisfied upon a full investigation of each individual case that such removal of restrictions is for the best interest of said allottee. The finding of the United States Indian agent and the approval of the Secretary of the Interior shall be in writing and shall be recorded in the same manner as patents for lands are recorded.

The provisions which I have read show exactly what restrictions are now in force upon the right of alienation. There was a section in this bill as it came from the other House which proposed to remove entirely all restrictions upon alienation—section 13. I think the committee of the Senate reported in favor of striking out that section, so as to leave the matter exactly as it is left under the law I have just quoted.

I will now, Mr. President, resume my remarks in respect to the proposed State of Arizona, to be composed of the Territories of Arizona and New Mexico. First, I desire to call attention to a proviso in the act establishing the Territory of New Mexico, in 1850 (9 Stat. L., 446):

Provided, That nothing in this act contained shall be construed to inhibit the Government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching—

I call attention to this—

or from attaching any portion thereof to any other Territory or State.

And in the act establishing the Territory of Arizona, the act of February 24, 1863 (13 Stat. L., 664), is this proviso:

Provided, That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

So that we have the right under this law, aside from our general plenary right, to attach or to reattach it to-day as a mere Territory to the Territory of New Mexico; and if that right is reserved, manifestly we have a right to attach it to New Mexico and consolidate it with New Mexico as a State.

Mr. BEVERIDGE. Is it not true that in the proposed bill in regard to Indian Territory and Oklahoma and New Mexico and Arizona the original boundaries are merely restored?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. In both cases?

Mr. NELSON. As to New Mexico and Arizona.

Mr. BEVERIDGE. And as to Indian Territory and Oklahoma?

Mr. NELSON. Certainly.

Mr. FORAKER. Has the Senator before him the organic act creating the Territory of Arizona?

Mr. NELSON. Certainly I have.

Mr. FORAKER. There is a clause in the first part of that act which I should like the Senator to read.

Mr. NELSON. I was just reading from that act. The proviso I have just read is taken from it.

Mr. FORAKER. But there is another proviso which the Senator has not read, as I remember. The one beginning "*Provided further*," is the one I refer to. Will the Senator read that so it may appear in the Record?

Mr. NELSON. I am glad the Senator has called my attention to it. That proviso reads:

Provided further, That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State on an equal footing with the original States.

Mr. FORAKER. What Territory is referred to there?

Mr. NELSON. Arizona.

Mr. FORAKER. That is, the Territory of Arizona as described by that act and as created by that act?

Mr. NELSON. Yes. I simply refer to these statutes as a matter of legislative history. Of course there is nothing in them that can constitutionally restrain Congress in its power to create and convert Territories into States. No matter what the legislation may have been under which the Territories were created as Territories, they remain under the absolute control and power of Congress, and there is nothing inhibitive in prior legislation to restrain Congress from taking such action in creating these Territories into States as Congress may see fit. In other words, until they become States Congress has absolute control and power over the subject.

Mr. FORAKER. Will the Senator allow me to interrupt him a moment there?

Mr. NELSON. Certainly.

Mr. FORAKER. I am asking only that I may get information and not in a controversial sense. Does or does not the proviso, or anything similar to the proviso which the Senator read at my request, appear in any other organic act creating a Territory since the beginning of the Government?

Mr. NELSON. I have not examined the other organic acts and I am not prepared at this time to state.

Mr. FORAKER. Can the Senator tell us whether he has examined the contemporaneous history and discussions with a view to ascertaining why this particular proviso was incorporated in this act?

Mr. NELSON. I have not.

Mr. FORAKER. I will ask the Senator another question, with his permission. Has it or has it not occurred to the Senator that that proviso is in the nature of a pledge for a continuance of the Territory of Arizona as created by that organic act until it should be admitted as a State, separate and apart from every other State?

Mr. NELSON. No; I do not understand it as a pledge.

Mr. FORAKER. But the Senator—

Mr. NELSON. At all events, it is not an irrevocable pledge. The Senator can not deny for a moment that, while these Territories remain in a Territorial condition they are absolutely under the control of Congress. It remains with Congress to create them into States, prescribe the dimensions of such States, and the conditions under which they may enter the Union.

Mr. FORAKER. Mr. President, if the Senator will allow me, later in this debate I shall undertake to answer the suggestion the Senator has now made. I am only calling his attention to it now in order that he may, while he is addressing the Senate, give us the benefit of his views on that subject.

Mr. NELSON. I now propose, Mr. President, to resume the discussion that I briefly entered upon yesterday, in respect to the combination of Arizona and New Mexico into one State to be known as Arizona. I stated yesterday, in substance, that, while superficially and upon the map, the area of these two Territories seemed large, almost too large for one State, and so large that there is only one State in the Union to-day—Texas—that exceeds it, and only two States—California and Montana—that approximate it, yet, when we take into consideration the condition of these Territories, their population, their agricultural, industrial, and mining resources, we find after all that Arizona and New Mexico combined will make a pretty small State.

Although these two Territories are to-day a part of the oldest-settled portion of the country within the limits of the United States, yet the two combined have a far less population than the little Territory of Oklahoma. The settlement of New Mexico was one of the first made in this country. A portion of New Mexico has been settled nearly three hundred years; and there was a settlement in the southern part of Arizona, particularly in that portion of it that is commonly called the "Gadsden purchase" at almost as early a date; yet in spite of that early

settlement, in spite of the fact that they have had a Territorial government as liberal and free as they have had in Oklahoma and in the other Territories of the United States, and in spite of the fact that the opportunities for securing public lands in Arizona and New Mexico have been as liberal as in the other Territories of the United States, yet their growth has been very slight, so that in population and in the development of agricultural, grazing, mining, industrial, and other enterprises New Mexico and Arizona are far behind.

Mr. FORAKER. What the Senator states, if he will allow me to interrupt him, as to facts is true, of course. The Senator is advised—

Mr. NELSON. If the Senator will allow me to finish this branch of the subject, I shall then very gladly yield to him.

Mr. FORAKER. But I wanted right in that immediate connection to ask the Senator if he does not think he ought to state, connection with the facts he has stated, that the Government has permitted these Territories to be occupied and overrun practically with the wildest and most savage Indians we had on the continent until only a very few years ago, so that it was not safe for anybody to go there; and if it is not also true that, until within the last two years, we had not completed the work which the land court out there has been engaged in of quieting title to those lands, so that there was no safety in taking public lands?

Mr. NELSON. I can not entirely concur with the Senator. In New Mexico the great body of the Indians have been of the most peaceable and orderly kind that we have in this country.

Mr. FORAKER. I am referring to the Apaches.

Mr. NELSON. I am coming to that. I will come to Arizona. In New Mexico most of the Indians are known as Pueblo Indians, who live in little pueblos in the canyons and valleys of the different streams. They are the most peaceable and orderly and the most developed of all the Indians within the borders of the United States. There has never been a time when those Indians or any Indians in New Mexico have interrupted or interfered with the settlement and development of that country.

Away back years ago the Indians in Arizona were very lawless, and back in the sixties a portion of the Indians in the southern part of the Territory were guilty of massacring and destroying a few of the white settlements, as in later years some of the Apaches in the northern part have done; but it is many years ago now since the Indians in Arizona became quiet and peaceable. The worst of the Apaches were removed—some of them for a time to Florida—and the other Indians were pacified. For the last ten years the Indian problem has been as well solved in Arizona as in any of our Territories, and the Indians have in no manner interrupted the settlement or development of that country.

Now, I want to call your attention to the following facts as illustrating that, while superficially and on the map, the area of these Territories seems very extensive, yet the development of the country has been very limited and very scant. I do not lay this to the people of those Territories; but the fact of the case is, Mr. President, that nature, or Almighty God, has made a dividing line in this country between what we call the rainy belt, that portion of the country where there is a sufficient rainfall to produce crops, and that other belt of the country in which a lack of rain prevails, and where the people, in most instances, have to resort to irrigation.

The boundary line may be variously stated. Some claim that it is the ninety-eighth meridian, some that it is the one hundredth meridian, but whether it is one or the other, both Arizona and New Mexico are well within the boundaries of this arid belt; and they are in the very worst part of the boundaries of it, because they are in a more southern latitude, where the sun has a greater opportunity to dry up the arid land and scorch and dry up the vegetation that may be growing on it. In fact, a large portion of New Mexico and Arizona is a sterile desert, an arid country, interspersed here and there with mountain ranges. On some of these mountain ranges there is a variety of timber—not very heavy in many instances, but scattered timber, sufficient, perhaps, for the purposes of the country. Aside from that the country is, to a large extent, a desert. This becomes plain when we look at the settlement of the country and the amount of public lands that have been entered since these Territories were organized. I quote from the last report of the General Land Office—the report of 1903—the report of 1904 not having yet been issued. It appears, from the report of the Commissioner of the General Land Office for 1903, that at that time there were 47,003,821 acres in Arizona that were unappropriated and unreserved—still Government lands of the United States. There were 20,159,837 acres that were reserved. These lands were reserved partly for forest reservations, partly for Indian reservations, and partly for irrigation purposes under the reclamation

act recently passed by Congress. Of the total amount of the area of that Territory, consisting of 72,792,320 acres, only 5,628,662 acres had been appropriated—that is, purchased and acquired from the Government—less than 6,000,000 acres. Even if we add to this number the sales and disposals of public lands in 1904, we find that the amount will not exceed 6,000,000 acres. So that out of that vast domain only about 6,000,000 acres have been appropriated, purchased, and acquired from the Government. The balance of the land still remains in the Government—20,000,000 acres of it in the shape of Indian, forest, and irrigation reservations.

In New Mexico we find this to be the condition: In 1903 there were 53,772,359 acres of unappropriated and unreserved public lands, and 6,607,759 acres that were reserved—some for irrigation purposes, some for the Indians, and some for forest reservations.

I shall subsequently call attention to the amount of land that has been reserved for forest and irrigation purposes; but in New Mexico there are 18,049,682 acres that have been appropriated and purchased, and a large share of that—I can not tell exactly how much—consisted of old Spanish and Mexican land grants that have been confirmed. So that out of the total area of that Territory—one of the oldest settled portions of the United States—out of a total area of over 78,000,000 acres only a little over 18,000,000 acres have been purchased and title acquired.

Compare this showing with that of Oklahoma and you will see the difference between the two Territories. Oklahoma is a little Territory of 24,774,400 acres. Out of the total area of Oklahoma there were, in 1903, 3,091,333 acres of unappropriated and unreserved public land. There were 3,762,462 acres reserved—all, I think, in the shape of Indian reservations—and 17,920,605 acres had been purchased, appropriated, and secured, mainly under the homestead law, by actual settlers, showing how in that little Territory nearly all the lands have been purchased, secured, and occupied by actual settlers, while in the large Territories of Arizona and New Mexico only a very small portion of the land has been appropriated. More has not been appropriated and secured for the reason that there is no opportunity, no opening for agricultural or grazing industries much beyond the present capabilities of the country; at all events, not until the science of irrigation has been further perfected and extended.

I call attention to these figures for the purpose of showing that the growth of these two Territories, Arizona and New Mexico, has been very slight.

The records of the Land Office show that in Arizona in 1903 there were 142,775 acres purchased and secured from the Government. Only 142,775 acres in all that large domain! In 1904 there were only 254,000 acres. In the two years, 1903 and 1904, less than 400,000 acres of the public domain purchased and secured in that immense Territory. And of that amount of land entries, to which I have just called attention, there were only 465 original homestead entries in 1903 and 453 in 1904. These homestead entries, I may say, and it is perfectly familiar to those of us who live in the West, more than anything else measure and show the settlement of the country by actual settlers.

As I said, there were 465 original homestead entries in Arizona in 1903, and there were 453 original homestead entries in 1904, making a trifle over 900 entries in the two years in all that domain. During that period there were, in 1903, 64,000 acres of railroad selections made under land grants, and 156,000 acres in 1904, or, in other words, a little over 200,000 acres of the lands appropriated in that Territory in those two years—that is, secured from the public domain—were in the shape of railroad selections to fill old railroad grants.

Now, compare this with Oklahoma. I am not doing this for the purpose of showing how much richer one country is than the other. I am not doing it for the purpose of casting a slur upon one country, to discriminate against it. I am simply calling attention to it for the purpose of showing the character of the two countries, in order to show that while the proposed State of Arizona has a great area superficially, yet in the matter of agricultural resources, mining, and everything else it is, after all, a country of limited area and will be a country of limited population.

In Oklahoma in 1903 there were 1,544,313 acres entered as original homesteads by 10,268 homestead settlers, and in 1904 there were 1,500,000 acres entered as homesteads. So you can see that in the two years 1903 and 1904 there were over 3,000,000 acres entered there by actual homestead settlers, as against, during the same period, 400,000 acres in Arizona and 800,000 acres in New Mexico.

So if you measure it by the land-office entries, by the lands entered and purchased from the Government, by the original homesteads made, you will find that the lands entered and the

homesteads taken in the two great Territories of Arizona and New Mexico do not equal half of what during the same period was entered in the little Territory of Oklahoma.

The reason of this scant settlement is the lack of rain. It is an arid country. As I said a moment ago, most of the land is an arid and desert plain, though there are valleys among the mountains, and it is the impossibility of irrigating those lands which more than anything else has retarded their settlement.

As to Arizona, I wish to call the Senators' attention to another fact, and that is with respect to the character of the lands reserved and put into a state of reservation. In Arizona there are 6,740,410 acres in forest reserves to-day, and 3,325,000 acres have been reserved for reclamation or irrigation purposes, showing a total of a little over 10,000,000 acres which have been reserved for forest purposes and for irrigation purposes.

In New Mexico there are to-day 3,257,920 acres of forest reserves and 834,000 acres of land reserved for irrigation or reclamation purposes. In Arizona 10,000,000 acres have been reserved for those purposes, and in New Mexico 4,000,000.

Now when we come to irrigation—and I wish to say to Senators that irrigation and the possibilities of irrigation more than anything else measure the capacity of these Territories for settlement, enlargement, and improvement—I have here a letter from Mr. Walcott, Director of the Geological Survey, which shows that the total amount of land now under irrigation in New Mexico is 254,945 acres, and he states in his letter that at the outside there are possibly 300,000 acres more that can be irrigated. In other words, the total area of land in New Mexico irrigated or possible of irrigation in the near future is only 554,945 acres. In Arizona Mr. Walcott states there are 247,252 acres now under irrigation, and that the extreme limit of irrigation in that Territory will be about 500,000 acres more, making a total in that Territory of land irrigated and possible of irrigation of 747,252 acres.

If we foot up the total in those two Territories we find that the total amount of land now under irrigation in the two Territories is 502,197 acres, and the total amount, according to the opinion of Mr. Walcott, possible of irrigation is about 800,000 acres more, making a total in the two Territories of land irrigated and possible of irrigation of 1,302,197 acres. Just think of that! The amount of land irrigated and possible of irrigation is less than 1 per cent of the total area of the two Territories. I will read Mr. Walcott's letter in this connection:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., December 21, 1904.

HON. KNUTE NELSON,
United States Senate, Washington, D. C.

SIR: I have received your favor of December 17, inquiring about irrigation in the Territories of New Mexico and Arizona.

In reply, I am inclosing table which will be printed in the forthcoming Census Report upon the acreage of irrigation in each drainage basin in these Territories. In addition to this, considerable development is possible in each Territory and will probably be carried out in the course of time by the Reclamation Service.

It is estimated that in New Mexico the irrigated acreage can be increased by 200,000 or 300,000 acres. A project has already been worked up for the use of the waters of the Rio Grande in Mesilla Valley. Investigations are in progress to determine the feasibility of irrigating considerable areas in the valleys of the Animas and La Plata in northern New Mexico; some development is possible under the San Juan, considerable in the drainage of the Pecos, and perhaps some on the headwaters of the Little Colorado and Mimbres.

In Arizona the chief developments possible are on the Colorado River, where several hundred thousand acres will eventually be irrigated; in Salt River Valley under the Tonto reservoir now under construction; in the Gila Valley under the proposed San Carlos reservoir, and in the valley of the Little Colorado in northern Arizona. It is roughly estimated that the present irrigated acreage in Arizona can be increased by about 500,000 acres.

Very respectfully,

CHAS. D. WALCOTT, Director.

Following that are tables showing the number of farms and the number of acres that have been irrigated in New Mexico and Arizona, and I ask to have them incorporated with the letter in my remarks.

Irrigation in New Mexico, 1902.

Source of water supply.	Number of farms irrigated.	Number of acres irrigated.
All sources	9,285	254,945
Streams:		
Rio Grande and tributaries	5,023	93,105
Pecos River and tributaries	1,473	54,018
Canadian River and tributaries	1,430	54,375
San Juan River and tributaries	524	20,455
Gila River and tributaries	260	9,322
Cimarron River and tributaries	72	6,481
Independent streams	316	8,314
Trinchera Creek and tributaries	13	691
Other sources:		
Springs	108	3,072
Wells	76	2,112

Irrigation in Arizona, 1902.

Source of water supply.	Number of farms irrigated.	Number of acres irrigated.
All sources	3,867	247,250
Streams:		
Colorado River and tributaries, exclusive of Little Colorado River and tributaries	274	10,661
Little Colorado River and tributaries	456	11,776
Gila River and tributaries, exclusive of Salt River and tributaries	1,669	80,448
Salt River and tributaries	1,293	138,510
White River and tributaries	6	384
Other sources:		
Springs	41	1,061
Wells	128	4,110

I also have a letter from the Bureau of Forestry in the Agriculture Department showing the amount of forest reservations in these two Territories. I have already called the attention of the Senate to the acreage of the forest reserves, and I will now ask that this letter from the Bureau of Forestry in the Agriculture Department may be inserted in my remarks.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF FORESTRY,
Washington, December 31, 1904.

HON. KNUTE NELSON,
United States Senate.

DEAR SIR: In accordance with your request by telephone I am glad to give you the following information in reference to Federal forest reserves in the Territories of Arizona and New Mexico:

ARIZONA.	Acres.
San Francisco Mountains Forest Reserve, area	1,975,310
The total stand of merchantable timber, as estimated by the United States Geological Survey, is 2,743,558,000 feet B. M.	
Black Mesa Forest Reserve, area	1,658,880
Estimate of the standing timber (feet B. M., taken from other Government sources)	4,081,498,000
Prescott Forest Reserve, area (no estimate of standing timber)	423,680
Grand Canyon Forest Reserve, area (no estimate of standing timber)	1,851,520
Santa Rita Forest Reserve, area (no estimate of standing timber)	387,300
Santa Catalina Forest Reserve, area (no estimate of standing timber)	155,520
Mount Graham Forest Reserve, area (no estimate of standing timber)	118,000
Chiricahua Forest Reserve, area (no estimate of standing timber)	169,600
Total area	6,740,410

NEW MEXICO.	Acres.
Gila River Forest Reserve, area (no estimate of standing timber)	2,327,040
Pecos River Forest Reserve, area (no estimate of standing timber)	430,880
Lincoln Forest Reserve, area	500,000
Estimate of standing timber (feet B. M., taken from other Government sources)	336,335
Total area	3,257,920

I am exceedingly sorry that we have no more detailed information as to the stand of merchantable timber on these reserves.

Very truly, yours,

OVERTON W. PRICE, Acting Forester.

Mr. President, if you add the amount of land that is irrigated and that is possible of irrigation to the amount of forest reserves I think you will get a fair measurement of the land in the two Territories that is fit and can be utilized for agricultural and grazing purposes. The total amount of irrigated and possible of irrigation land in the two Territories is 1,302,197, and the total amount of forest reserves is 9,998,330, or a total of irrigated and possible of irrigation land and forest reserves of 11,300,527 acres.

Now, to my mind that covers, as I said, the agricultural and grazing resources of the country. They can only raise crops and carry on agriculture where they can irrigate. In some localities there are a few small farms in the forest reserves, but the forest reserves, in addition to the value of the timber, are valuable for grazing purposes and are more or less grazed on. The lack of water not only limits agriculture, but it limits grazing, for this reason: Cattle can not graze at any point, as I understand from testimony taken by the subcommittee, in Arizona, and from other information, or feed anywhere beyond five miles of reach of water. If an animal has to go five miles from its grazing ground to secure water to drink the round trip will be about ten miles a day, and that is the limit of the animal's capacity to secure food and water. As I said, grazing is as much limited as agriculture by the lack of water.

Taking the aggregate of these irrigated and possible of irrigation lands and forest reserves, a total of 11,300,527 acres, which is all that is possible for grazing and agricultural purposes, and it is equal to only one-half the area of the little Territory of Oklahoma.

So, you see, for agricultural purposes and for grazing purposes, for everything that pertains to industrial life in that country outside of mining, these two Territories combined have not a greater capacity than one-half of the little Territory of Oklahoma. It is just as though you took half of the little Territory of Oklahoma and planted it in all this big domain consisting of Arizona and New Mexico.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER (Mr. LONG in the chair). Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly.

Mr. GALLINGER. I notice that the Senator in his very interesting statement has given us relatively the amount of land now irrigated and that is susceptible of irrigation in the two Territories separately.

Mr. NELSON. Yes.

Mr. GALLINGER. Has the Senator the figures showing relatively the forest reserves in the two Territories?

Mr. NELSON. I have, and I have given them.

Mr. GALLINGER. Did the Senator give them yesterday?

Mr. NELSON. No; I gave them a moment ago. I have a letter from the Bureau of Forestry in the Agriculture Department, which gives the matter in detail. It gives each forest reserve and the acreage of each.

Mr. GALLINGER. That will appear in the Senator's speech?

Mr. NELSON. It will appear in my remarks. A moment ago I gave the aggregate acreage of the forest reserves in the two Territories.

Mr. GALLINGER. But what I am seeking to ascertain, if the Senator will permit me, is not the aggregate in the two Territories, but the amount in each Territory.

Mr. NELSON. I have it separately. I have a statement of each Territory and the aggregate of both.

Mr. GALLINGER. I will look at the Senator's statement.

Mr. NELSON. You will find it in the letter of the Acting Chief of the Bureau of Forestry of the Agriculture Department. So I think it is authentic.

In this connection I desire to call the attention of the Senate to another matter touching Arizona and New Mexico. Aside from agriculture and grazing, the other leading industry of those two Territories is mining, and I wish to show you that there has been a limited progress even in that industry in those two Territories.

I will take Arizona. The production of copper in Arizona in 1900, according to the census, was 118,300,000 pounds; in 1901, 130,000,000 pounds, and in 1902, 119,000,000 pounds—I do not read the odd figures—and in 1903, the latest statistics available—and I may say that these mineral statistics are unlike our other statistics in that they are for the calendar and not for the fiscal year, and hence we have not the figures for the calendar year 1904—it was 147,000,000 pounds. So you see there has been comparatively slight increase in the production of copper, which is the chief mineral product of Arizona. It was less than a million pounds more in 1902 than in 1900.

If you come to gold, you will find that the production has been very limited. In Arizona, in 1900, the total production of gold—and this is in dollars and for the calendar year—was a little over \$4,000,000; in 1901, a little over \$4,000,000; in 1902, \$4,112,300, and in 1903, \$4,357,600. So you see within this period, from 1900 down to 1903, taking the calendar years, there has been about \$150,000 increase in the production of gold in that Territory. Gold mining has not been growing. There has been no expansion. It was in 1903 substantially where it was in 1900.

Coming to the production of silver, we see pretty much the same condition. The production of silver in 1900 was 2,995,000 ounces; in 1901, 2,812,000 ounces; showing a decrease, and in 1902, 3,043,000 ounces, a slight increase, and in 1903, 3,387,000 ounces, less than 400,000 ounces increase in the four-year period. It will be seen that both in respect of gold and silver the mining industry in Arizona has been practically at a standstill. In other words, it has not been in a progressive state.

Now, the other mineral product of Arizona is lead, and I find these to be the figures. I have not the figures for 1900, but I have the figures for 1901, 1902, and 1903. The production of lead in 1901 was 4,045 short tons. In 1902 it dropped down to 599 short tons, and in 1903 it was 1,493 short tons, showing that the mining of lead has dropped off immensely. It has diminished from 4,045 short tons in 1901 to 1,493 tons in 1903.

In addition to this I will give another industry in Arizona that is classed in the reports as a part of the mineral industry—the production of stones of various kinds. The total production of merchantable stones of various kinds in Arizona was \$110,910 in 1902 and \$531,135 in 1903. Arizona, according to the reports, produces no coal. So, practically, I have called the attention of

the Senate to the mineral productions of Arizona, at the head of the list of which is copper, next gold, next silver, next lead, and next merchantable stone.

Now, coming to New Mexico, the record is even poorer in the way of mining. Take the matter of the production of copper. The total amount of copper produced in New Mexico in 1900 was 4,169,000 pounds; in 1901, 9,629,000 pounds; in 1902, 6,614,000 pounds, and in 1903, 7,300,000 pounds, showing that the increase in the copper production of New Mexico has been quite slight, and that there has not been great progress made in that mining industry.

Coming to the matter of gold, we find that that is a limited resource of New Mexico. In 1900 there was only \$832,000 worth of gold produced; in 1901, \$688,000 worth of gold; in 1902, \$531,000 worth of gold, and in 1903, \$244,000 worth of gold. It will thus be seen that the mining of gold since 1900 has been gradually on the decrease, until in the calendar year 1903 it is only a little over one-fourth of what it was in 1900.

Coming to the production of silver, we find it is almost in the same condition in New Mexico as is that of gold. In 1900 there were 434,300 ounces of silver produced in New Mexico; in 1901, 563,400 ounces; in 1902, 457,200 ounces, and in 1903 only 180,700 ounces, showing a decrease from 1900 of the difference between 180,700 and 434,300. It will thus be seen that the silver-mining industry in that Territory is in a very feeble condition indeed.

Now, coming to the production of lead, New Mexico makes even a worse showing. I have not the figures for 1900, but I have the figures for 1901. New Mexico produced in 1901, 1,124 short tons; in 1902, only 741 short tons, and in 1903 only 613 short tons. It will thus be seen how that industry—the mining of lead—has been dwindling and dwindling.

I have not the figures as to the production of coal in New Mexico except for the years 1902 and 1903. The production of coal in 1902 was 1,048,763 short tons, and in 1903, 1,541,781 short tons, showing no great volume and no great increase in the production of coal in that Territory. Arizona, as far as the records show, produced no coal at all. The production of valuable and merchantable stones in New Mexico in 1902 was \$12,291, and in 1903, \$8,510.

I append hereto tables showing in detail the mineral production of these Territories during the years referred to and also showing the number of people employed in the various industries:

	1900.	1901.	1902.	1903.
COPPER.				
Arizona	<i>Pounds.</i> 118,317,764	<i>Pounds.</i> 130,778,611	<i>Pounds.</i> 119,944,944	<i>Pounds.</i> 147,648,271
New Mexico	4,169,400	9,629,884	6,614,961	7,300,832
Montana	270,738,489	229,870,415	288,903,820	271,555,854
Lake Superior	145,461,498	156,289,481	170,609,228	192,400,577
Total, United States	608,117,166	602,072,519	650,508,644	698,044,517
GOLD.				
Arizona	\$4,193,400	\$4,083,000	\$4,112,300	\$4,357,600
New Mexico	\$832,900	\$688,400	\$531,100	\$244,600
SILVER.				
Arizona	<i>Fine ounces.</i> 2,995,500	<i>Fine ounces.</i> 2,812,400	<i>Fine ounces.</i> 3,043,100	<i>Fine ounces.</i> 3,387,100
New Mexico	434,300	563,400	457,200	180,700
LEAD.				
Arizona	<i>Short tons.</i> 4,045	<i>Short tons.</i> 599	<i>Short tons.</i> 599	<i>Short tons.</i> 1,493
New Mexico	1,124	741	741	613
Colorado	73,295	51,893	51,893	45,554
Idaho	79,654	84,742	84,742	99,590
Utah	49,870	53,914	53,914	51,129
Total, United States		284,204	280,797	292,874
COAL.				
New Mexico			1,048,763	1,541,781
Arizona			None.	None.
STONE.				
Arizona			\$110,910	\$531,135
New Mexico			\$12,291	\$8,510

CENSUS, 1900.

Territory.	Men employed in—			Men employed in mining coal.		
	Mining.	Agriculture.	Stock raising.	1901.	1902.	1903.
Arizona	7,452	9,638	3,640	None.	None.	None.
New Mexico	4,019	18,019	7,772	2,478	1,849	1,789
Total	11,471	27,657	11,412			

Now, Mr. President, I have gone over these statistics for the purpose of showing that what is claimed in many quarters, that there has been a great growth, increase, and progress in these Territories, in the nature of the case can not be true. I have shown the limited amount of irrigation that has been accomplished; I have shown the volume of the forest reserves; I have shown the volume and extent of the mining industry in the two Territories, and all these combined go to show that there could not have been any very great growth or very great increase either in population or in the industrial development of those Territories within the last three or four years.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. Certainly.

Mr. NEWLANDS. I understand the Senator to state that whilst the area of Arizona and New Mexico is very large, yet the amount of cultivable land is very small, the amount of forest land is very small, and that the mineral resources are not developed to such an extent or are not developing to such an extent as to warrant the assumption that that vast territory will support a large population. I understood him to say that the forest land and the irrigable land in New Mexico and Arizona combined could be embraced in a State only one-half the size of Oklahoma, and I understand him to urge these facts as objections to separate statehood for each one of the Territories of Arizona and New Mexico.

Now, I ask the Senator, then, whether under these conditions, if according to his showing there is no immediate prospect of a sufficient population there, it would not be better to allow each of these Territories to remain in a Territorial condition until the increase in population and wealth shall justify the assumption of statehood?

If the Senator will pardon me just one moment further, I understand that the people of each of these Territories are opposed to joining together in statehood; that that is the overwhelming sentiment in Arizona; that it is the sentiment of the great majority of people in New Mexico, and that they would prefer to remain apart in their present Territorial condition rather than be joined together through the action of Congress in a common statehood.

I ask the Senator whether he would not in that view support the postponement of the consideration of this bill for the present, or to provide now, possibly, for statehood at some time in the future when each one of these Territories shall have reached such a population as in his judgment would entitle it to statehood—three or four hundred thousand people, or 500,000 people? I am told that the people of each one of these Territories would rather submit to a bill of that kind, taking effect in the future, when upon a census a population of four or five hundred thousand will be developed in each one of the Territories, rather than submit to a common statehood now.

Mr. NELSON. Mr. President, my information and views do not exactly coincide with what has been stated by the Senator from Nevada. Of course I have it only at second hand; I have not been in those Territories, but I will say very frankly to the Senator that my information is that a good, large majority of the people of New Mexico are in favor of joint statehood, while a majority of the people of Arizona are perhaps opposed to it. Whether this is true or whether the Senator's opinion is the correct one I am not prepared to say. But this is my view of the case—

Mr. NEWLANDS. Will the Senator permit me?

Mr. NELSON. I have not had a full opportunity to answer the Senator. This is the view I take of the case, that necessarily these Territories, or many of the people—the statesmen, at all events—residing in the Territories, will be continually pining and striving in the future as they have for years in the past for statehood.

Mr. HEYBURN. I ask the permission of the Senator at this time to call attention to an expression of the views of the people of New Mexico, covering a large percentage of that population. In this connection, with the permission of the Senator, I should like to have read some telegrams received to-day from representative men and bodies in New Mexico, expressing their wishes in this matter. If it does not interfere with the Senator I should like to have them read.

Mr. NELSON. I wish to say to the Senator that while I am always ready and willing to yield to a question and to answer it as far as I can, I think it is hardly fair to me, in the midst of my remarks, to ask that a lot of telegrams and letters shall be read and injected in my speech. I submit to the Senator if he thinks that is fair. I am willing to answer questions and give all the information at my command, but I submit that this is hardly fair. The Senator in his own time can stand up

and have all the telegrams, letters, and messages read. I see the Senator has a whole handful of them. Manifestly it would break in on my remarks and I hardly think it should be done. I want to be as courteous as any man can possibly be to my fellow-Senators, for they are always courteous to me, but I submit it is hardly fair to ask to inject all this stuff into the midst of my feeble remarks.

Mr. HEYBURN. I would not ask leave to interrupt the Senator for the purpose of injecting anything that was not immediately applicable to the statement made by the Senator that so far as he is advised a large proportion of the responsible citizenship of New Mexico desire statehood. However, I will await a subsequent time and present these matters, as the Senator suggests, in my own time.

Mr. NELSON. When the Senator from Idaho interrupted me I was about to say, in reply to the remarks of my friend the Senator from Nevada, that for years, as he knows, there has been a pining and a hungering in certain quarters, manifested in various forms, for these two Territories to become States. Indeed, if my friend from West Virginia [Mr. ELKINS] were here to-day he would bear witness to the fact that away back, years ago, when Mr. Blaine, I think, was Speaker of the House of Representatives and the Senator from West Virginia was a Delegate from that Territory, Congress came very near passing a bill creating New Mexico into a State. We all know that two years ago a supreme effort was made to create these two Territories into two States.

Now, Mr. President, I recognize the fact that to a greater or lesser extent the people of these Territories, or at all events certain classes of them, favor statehood. One class is composed of what I call, not in an odious sense, political promoters, and then there is another class, and I do not use the term in an odious sense—I do not intend that—who are industrial promoters. These two classes, one with a political scheme in view and the other with an industrial scheme in view, are always pining for statehood, because in the one case they hope to secure good offices with statehood, and in the other case because they expect to get local or State aid for their various industrial enterprises that they can not secure while the Territories are in a Territorial condition.

Mr. President, this demand will continue on behalf of these Territories in the future as it has in the past. Now, recognizing this demand, I think the best and happiest solution is to unite these two Territories, apparently vast—

Mr. FORAKER. Mr. President—

Mr. NELSON. Will the Senator excuse me? They are apparently vast in area, but substantially not vast, as I endeavored to make plain in my remarks, in resources or development. It is better to unite them into one State because they are both of the same character in reference to their resources and soil. It is an arid land, dependent on irrigation, and aside from what they can irrigate their other main resource is the mining industry. Where we have a country of that kind, so similar in its natural resources, let us unite them and make them into one State that will be at least somewhat respectable in numbers. It will give us at least a population of four hundred thousand, and by and by in the future in this vast area, when the irrigation system is completed, there may possibly be as many as a million people. I will now yield to the Senator from Ohio.

Mr. FORAKER. The question I was about to ask the Senator is a little out of place at this point in his remarks.

Mr. NELSON. We will try and put it in place.

Mr. FORAKER. If the Senator had permitted me to interrupt him when I asked him—and I am not complaining—the question I wanted to put is whether the Senator thought statehood would be of advantage to the industries of the Territory? I understood the Senator to say that there were two classes of people seeking statehood for these Territories, one political promoters and the other industrial promoters. The question I ask is whether the Senator thinks the industrial promoters are right in supposing that statehood will be of advantage to the industries of those Territories?

Mr. NELSON. In that connection I can only say to the Senator that in a certain measure they have a right to assume so. Take, for instance, the people who desire to build railroads or to exploit other enterprises. Under the Territorial organization now existing they are limited and hampered by the act of Congress. If they get a State government, they are cut loose from the controlling power of Congress, and if they succeed in controlling the State government they can secure either from the State or from local municipalities aid in promoting the railroad schemes and other industrial enterprises which they have in hand.

Now, I do not make these statements in any odious or invidious sense. I do not want to say that the men who have these

objects in view are dishonest or that they are actuated by a bad purpose, but I refer to the fact because I know the experience in my own State years ago. When our State was in its infancy we had saddled upon us a railroad debt of \$5,000,000, given for railroads that were graded in little sections, but never completed. Finally, after a long agony, the State of Minnesota, in order to maintain its credit, those bonds having gone into the hands of the innocent purchaser, after a period of twenty-five or thirty years, had to take up and settle those bonds, when with accumulated interest and all it amounted to over \$10,000,000. We had to settle it and we got nothing at all for it. That is a part of our experience in Minnesota. I think many of the Western States have had a similar experience, and such an experience is likely to occur here.

Now, I want to be fair. I admit that there are two sides to the question as to whether it is desirable for them to become a State or not. The ordinary taxpayer is a humble man, a poor citizen, who works a little farm and has no political ambition, no railroad scheme, nor any other great enterprise in hand. I think in respect to him it is far more desirable that these two Territories should remain in a Territorial condition, because the taxes and burdens of the Government would be less.

But in another sense there are a class of people who feel that their country can be developed more rapidly under a State than a Territorial government, and hence that early statehood is desirable. To these men and their enterprises early statehood may not only be desirable, but also of advantage. These men who have these purposes in view have not the free hand under a Territorial government that they would have under a State government.

Now, there is another matter.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield?

Mr. NELSON. It is well known that in the treaty by which we secured this territory from Mexico we agreed in time to make it into States, and sooner or later we shall have to do it. To my mind, no matter when it is done, I am as firmly convinced now that Arizona and New Mexico should be grouped into one single State as I was two years ago about the combination of Oklahoma and Indian Territory into one State. To my mind, no matter when it transpires, whether at this session of Congress or in the future, I think those Territories, so alike in many respects—in their resources, in their population, and everything else—ought to constitute one State. Except in the mere matter of acreage and area it would still be only a third or fourth rate State in the Union in resources and population.

Now I will hear the Senator from Nevada. I owe the Senator an apology for not stopping before.

Mr. NEWLANDS. In continuation of my former question, I should like to ask the Senator whether if he were satisfied that a majority of the people in each one of these Territories—the Territory of Arizona and the Territory of New Mexico—were opposed to joint statehood, would he then seek to impose, so far as Congress can, joint statehood upon them? I ask the Senator further, whether it would not be fair to consult each Territory, which thus far, for many years, has been a separate entity, as to its willingness to unite in joint statehood, and whether it is fair to the people of Arizona to subject them to an enabling act under which a large and overwhelming majority in New Mexico could subject them against the will of the majority of their people to joint statehood?

Mr. NELSON. Does the Senator concede that an overwhelming majority in New Mexico, as I understood him a moment ago to say, would reverse the action?

Mr. NEWLANDS. I do not; but there are dangers in this bill, and I will point them out to the Senator. There is a provision in the bill that \$5,000,000 shall be paid into the school fund of the State by the Federal Government. I can not measure the force of that inducement in an election, and I can not measure the force and strength of an additional gift to them of millions of acres of land. I do not believe that this bill is shaped in such a way as to get the calm, the deliberate, and the honest judgment of the people of those two Territories upon this question.

I appeal to the Senator whether it would not be a great deal better now to provide for the separate statehood of each one of these Territories and settle the question, conditioned upon each in the future increasing to a population of 500,000 people, to be determined by the next census. I am told that the people of each one of these two Territories would prefer such action in the place of the pending legislation; and if the Senator wishes to settle this question of statehood now it can be settled in such a way, and in a way that will entirely meet the Sena-

tor's contention with reference to the insufficiency of population. Mr. NELSON. Mr. President, I can not very well reply to the Senator categorically, for the reason that it was rather an argument he made than a question he asked.

Mr. NEWLANDS. I will simplify my question.

Mr. NELSON. It is very easy to answer questions; but when the Senator makes an argument, of course one can not answer it directly. It has to be met with another argument.

Mr. NEWLANDS. Mr. President—

Mr. NELSON. The tenor of my remarks has been and will be in direct opposition to the view of the Senator, and I want to say further to him—

Mr. NEWLANDS. Will the Senator permit me one question?

Mr. NELSON. Certainly.

Mr. NEWLANDS. I will put my question, then, in direct form. Would not the Senator favor an amendment to this bill providing that this common statehood shall be dependent upon a majority vote in each Territory? Would he not favor also settling the question of statehood for each Territory now conditioned upon each Territory increasing in the future to a population of 500,000 people as demonstrated by the next census; in other words, passing the enabling act for separate States now, but its effect to be conditioned on a showing of a population of 500,000 in each Territory at the next census?

Mr. NELSON. The Senator knows that I would not agree to that, because I joined the majority of the committee in favor of reporting this bill, and it expresses my sentiment.

I want to say to the Senator that if the assumption or statement he made a moment ago that the majority of the people in each of these Territories are opposed to joint statehood this will do them no harm. They can vote it down. Any constitution that is adopted by a constitutional convention has got to be submitted to the voters of the two Territories, and if the Senator is correct that a majority of both Territories are opposed to it, statehood will be defeated and they will not become States. But I say to the Senator again, and reiterate, that I am as well satisfied in my own mind that these two Territories now or at some time in the future ought to be united into one State as I was two years ago that Oklahoma and Indian Territory should be united into one State.

Now, I want to call attention to another matter bearing upon what I might call the ethnological side of this question. In the remarks which occurred yesterday between me and some Senators as to the character of the population in the two Territories, I intimated that about half of the population of New Mexico are what are commonly called Mexicans, while the people of Arizona are Americans, as we call them. As a matter of fact, I was partially incorrect in that statement. I am confident that half of the people of New Mexico may be termed Mexicans, what we ordinarily understand by that term, but I am also satisfied that there is a considerable percentage of what may be called Mexican people in Arizona. But now, when we unite the two Territories into one State, the so-called "American element" in New Mexico and Arizona will be absolutely dominating and controlling. They can control the fiscal, the industrial, and educational policy of the two Territories as one State.

Mr. SPOONER. The Mexicans can dominate?

Mr. NELSON. No; I mean the Americans. I mean that the American population of the two Territories, Arizona and New Mexico combined, will be in a large majority; that they will constitute nearly two-thirds of the population of the two Territories in the new State, and their influence, influence such as the Americans possess in all our growing, prosperous States, will be dominating and controlling, and control the policy and development of the future State. I think that will be a blessing to the Mexicans in New Mexico. I know in my own State we have a large foreign population, and to my mind it has been a great blessing to that foreign population that in our midst the dominating, controlling element has been composed of the best of what we call the American population of this country. Coming from the Eastern and Middle States out there and settling among the foreigners, they have helped to Americanize them and make them good loyal American citizens. They have been the great educator of those people, until the people of my State, as the people of the State of the Senator from Wisconsin [Mr. Spooner], have become thoroughly Americanized, although a large portion of the population in both States is foreign.

Now, what is the condition in New Mexico? I am not finding any fault with the New Mexicans, but their language is different, their religion is different in the main from that of most Americans, and their customs, their language, and everything is different. They are more backward and less progressive. I maintain that if those people can be surrounded and dominated by a strong American influence that will be controlling in the new State it will not only be a blessing to the United States, but it

will be a great blessing to those Mexican people and hasten the day of their complete Americanization.

I wish to call attention to a few matters more and then I will yield the floor. I wish to call the attention of the Senate to the school-land grant. This bill gives a grant of four sections to each township for educational purposes. That seems to be a large grant. It is twice as much as was given to nearly all the older States west of the Mississippi River. If I remember aright—I am not clear as to Iowa and Missouri—the other States had two sections. The first time we made an exception, giving four sections in every township to a new State, was in the case of Utah, on account of the sterile and arid character of the land. I think the character of the lands in Arizona and New Mexico is fully as poor and bad as in Utah, and is such that the grant will be of little value.

I have heard it estimated, and I think it is correct, that this school-land grant would not be worth in the aggregate over 50 cents an acre to-day. Some of it, when it has been reclaimed by irrigation, will be valuable, but in its present condition I think nobody could be found to purchase the entire grant, or any large portion of it, for a price exceeding 50 cents an acre.

Mr. BEVERIDGE. I will ask the Senator if it is not true that the irrigation law provides that when irrigation is successful this land may be withdrawn by the Secretary of the Interior?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. So that these four sections might be withdrawn, leaving only arid land.

Mr. NELSON. This bill grants to the new State of Arizona four sections in each township, amounting to 16,725,248 acres. In addition to that, it gives 2,168,000 acres for various State institutions and State purposes, or an aggregate grant of 18,893,248. This seems an immense grant, but at 50 cents an acre—and I do not think it is worth any more—it would not amount to over \$10,000,000.

The school-land grant in Oklahoma, in round numbers, is a little over 2,000,000 acres. Those lands will bring in the aggregate not less than \$10 an acre, and that grant to-day of only 2,000,000 acres is of more actual and intrinsic value than this whole big land grant to Arizona. Some of it is merely grazing land; but I suppose the value of it to-day, at the lowest minimum price, taking it good and bad, is worth \$10 an acre, and some of it over \$10 an acre. The grant is estimated to be worth all the way from twenty to thirty million dollars in value. This grant in Arizona, in my honest opinion, is not worth over \$10,000,000 on account of the poor soil and arid climate. It is, Mr. President, because of the poor value of this land that we give those people in this bill \$5,000,000 for a school fund.

This vast acreage will not do the State any good until she can sell the land. It is only in case the land is merchantable and can be disposed of that the State gets any immediate fund for schools. This \$5,000,000 gives them a fund to start on; but, without that, for years and years they would have nearly no school fund at all, because only such portions of these school lands could be disposed of and converted into money to go into such a permanent school fund as could be reclaimed by irrigation. Hence you will see, Senators, if you will look at it calmly and aside from the mere question of acreage, which in this case, as in the other case I have discussed, is deceiving—if you will look at it outside the mere question of acreage, you will see there is a greater necessity for giving them \$5,000,000 in this case than there is even in the case of Oklahoma and Indian Territory. In that case it was given to make up a sort of equilibrium between the school-land grant in Oklahoma and the want of such a grant in the Indian Territory, while in this case, Mr. President, it is an absolute necessity because this grant will be a vanity of vanities, and give them in the near future very little money for school purposes. Without this \$5,000,000 they would be without a school fund, except as they may tax themselves for that purpose.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him at that point?

Mr. NELSON. Certainly.

Mr. BEVERIDGE. I wish simply to say that not only is this true, but that the educational problem which confronts those people is more difficult than that which exists elsewhere, as will be patent to everybody from a review of the facts.

Mr. NELSON. The Senator is correct that the educational problem is more difficult there, for, if I remember correctly, the percentage of illiteracy in Arizona was 18 per cent, more than twice the average illiteracy that is found in any of the Northern States, and in New Mexico it is a great deal more than that—that is, in the Spanish and Mexican portion of New Mexico the illiteracy is at a very high rate. As the Senator has well said, they will need more than any other part of our coun-

try to develop the educational interests of the new State. In a few moments, Mr. President, I shall be done. I am gratified that the Senate has been so patient with me.

The constitutional convention is to consist of 110 delegates. We have in this bill made an amendment to the House bill fixing the number at 66 delegates for New Mexico and 44 for Arizona. On the basis of the census of 1900 this will give Arizona her full share, and I think about one delegate more.

Mr. BEVERIDGE. Does the Senator refer to the House bill?

Mr. NELSON. The House bill as amended by the committee.

Mr. BEVERIDGE. That was 70 for New Mexico and 40 for Arizona, I think.

Mr. NELSON. Yes; 70 to 40.

Mr. BEVERIDGE. One hundred and ten altogether.

Mr. NELSON. The provision was 70 to 40; but we have changed it a little, so as to make a fairer apportionment for Arizona. If I remember correctly, taking the census of 1900 as the basis, we gave Arizona the advantage by one delegate.

The bill as amended appropriates \$150,000 for the expenses of the constitutional convention. The capital of the new State will remain at Santa Fe until 1910. After that time it may be changed by a vote of the people of the State.

Oklahoma, I might say, has practically no debts. The floating debt of these two Territories does not amount to anything; but they have a bonded debt. According to the last figures I have been able to find, which are not far out of the way—I have not seen the last report of the governor of New Mexico, as it has not been printed—but according to the best information I can get, the permanent debt of Arizona is \$1,010,972, and that of New Mexico \$1,098,300. So that their debts are almost of a similar amount, a little over \$2,000,000 in the aggregate, which is the total debt the new State will assume, half of it coming from Arizona and half of it from New Mexico.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. HEYBURN. Would not the apportionment of representation in the constitutional convention enable New Mexico to frame and adopt a constitution for Arizona without regard to her wishes or her rights in the matter? Would it not enable New Mexico in the constitutional convention to organize and control this proposed government; and would that be fair to Arizona?

Mr. NELSON. That might be true if the Senator assumes that all the delegates from New Mexico would pull together and work together as one man hostile to Arizona, but I take it, Mr. President, that when they come to elect members to the constitutional convention both Territories will endeavor to send their representative and their best men, as has always been done in the West; and when the delegates from these two Territories meet in the constitutional convention they will work as individuals—not by Territories, not like conference committees, but they will work together in harmony with that liberal spirit which actuates all American statesmen, high or low, to work together for the common good of the whole country.

Mr. PLATT of Connecticut. Mr. President—

Mr. NELSON. The thought that the people of New Mexico would attempt in any shape or manner, or that the delegates to that constitutional convention would in any manner repress or do anything unfair to the people of Arizona, is utterly contrary to my notion of the spirit of justice that actuates American citizens. I now yield to the Senator from Connecticut.

Mr. PLATT of Connecticut. The Senator from Minnesota has answered the question which I was about to ask him in advance of putting the question; that is, whether it was possible to assume that the delegates from New Mexico would attempt to do injustice to that portion of the State which is now Arizona.

Mr. NELSON. I do not want to assume that in reference to any class of public men in this country. I think that in New Mexico and in Arizona the delegates who will be sent to the constitutional convention will be actuated by that sense of justice which actuates us in this body, and which actuates all public men in America possessing the spirit of true American citizenship.

Mr. BATE. Will the Senator pardon me a moment?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Tennessee?

Mr. BATE. On that point I will ask the Senator if he does not think it will be in the power of New Mexico to combine, through such methods as may be pursued, all the delegates together, she having a majority of all the votes, so as to control the convention in her interests? I myself do not wish to see any such danger incurred.

Mr. NELSON. I want, in reply to the Senator, to say that it is a most violent assumption for him to suggest that all the delegates from New Mexico would be actuated by a spirit of injustice and would move in harmony as one in that spirit. Such a thing is possible, but we have no right to assume that it will occur.

In this connection, and upon this subject, I beg leave to call the attention of the Senate, as an illustration, to the spirit that prevails in this body. In this body to-day the Republicans largely preponderate. We have a majority; and yet outside of the few petty things that we call mere party politics, which do not oftentimes amount to anything, we are all actuated by a sense of justice. We do not call you Senators over on the other side "Arizonians" and call ourselves "New Mexicans." We all act as individual Senators, with a sense of justice, working for all parts of this country, so as to help them all. I know it has been my purpose in the Senate here to work as faithfully for the interests of my friends from the Southern States in the improvement of the Mississippi River, and in the improvement of their rivers and harbors, as for the improvement of the rivers and harbors in my own State. I have known no difference; and the same spirit which actuates us here we have a right to assume will actuate the people of New Mexico and the people of Arizona.

Mr. HEYBURN. If the Senator will permit me a moment there, is it not true that in the constitutional convention that was held in New Mexico fourteen years ago they repudiated by a direct vote a provision in their constitution requiring the English language to be taught in the public schools; and is it not true, according to the statement which I understood the Senator to make, that that element predominates in New Mexico; and that they could elect every delegate from that Territory to the constitutional convention of the faith which repudiated that plank, and thus control the convention?

Mr. NELSON. Perhaps the Senator is correct as to the fact regarding that plank of the constitutional convention of fourteen years ago. But if that be true, Mr. President, it only accentuates and emphasizes the argument I made a moment ago. If it be true that the people of New Mexico at that time, dominated by the Mexican element, took that course, we can be certainly assured that if we combine them to-day with Arizona, composed nearly altogether of Americans, such a thing can never happen. The American element, as I stated a moment ago, will be entirely dominant, and that element which fourteen or fifteen years ago engrafted such a provision on the constitution could not possibly engraft it under the provisions of this bill, because at least two-thirds of the two Territories combined will be what we may call "non-Mexicans"—they will be Americans.

Mr. BEVERIDGE. They never did that anyhow.

Mr. NELSON. But, assuming that they did, for the purposes of the argument, it makes no difference. If the danger exists to which the Senator from Idaho has called my attention, it merely demonstrates that under the provisions of this bill the occurrence of such a danger in the future is entirely removed, because the combination of the two States will utterly overcome the so-called "Mexican element."

But, Mr. President, I am aware that I have taken too much of the time of the Senate. I want to say this in conclusion: I take it that to-day—and I am very glad of it—a large majority of the people, both in Indian Territory and in Oklahoma, desire joint statehood. They have now come to see what was pointed out to them two years ago, the necessity and importance to their future welfare of being admitted into the Union as one State.

Mr. President, I am to-day as firmly convinced that Arizona and New Mexico, for the good of the people of those Territories, for the good of the Union, ought also to be united into one State as I was two years ago that Oklahoma and Indian Territory ought to be united. Whether or not my views to-day will prevail on this subject in this body I can not say; but, even if they do not, I feel confident that when the rank and file of the people, who do not compose the political and industrial promoters of the two Territories, come dispassionately to consider and discuss this question among themselves, their sober sense will lead them to the same conclusion as that to which the people of Oklahoma and Indian Territories have come.

Mr. BARD obtained the floor.

Mr. GALLINGER. Mr. President—

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from New Hampshire?

Mr. GALLINGER. I rise for the purpose of asking the Senator from California whether he is particularly desirous of going on this afternoon? There is a large mass of executive business that ought to be transacted, and, if it is agreeable to the Senator, I will move to go into executive session.

Mr. BARD. I am quite ready to proceed with the remarks I desire to make, but wish to accommodate myself to the convenience of the Senator and of the Senate. So I yield.

The PRESIDING OFFICER. Without objection, it is understood that the Senator from California [Mr. BARD] has the right to the floor to-morrow at 2 o'clock.

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened.

STATEHOOD BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. WARREN. Mr. President, I ask unanimous consent to call up—

Mr. BEVERIDGE. That is not what you asked.

Mr. NELSON. I ask unanimous consent that the Territorial bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, that will be taken as the sense of the Senate.

Mr. BEVERIDGE. The Senator from Wyoming may ask unanimous consent that the statehood bill be temporarily laid aside.

The PRESIDING OFFICER. Without objection, the request of the Senator from Minnesota will be taken as the sense of the Senate, and the Territorial bill will be temporarily laid aside. The Senator from Wyoming [Mr. WARREN] wishes to submit a request.

Mr. WARREN. I was about to ask unanimous consent to have the unfinished business temporarily laid aside—

Mr. BEVERIDGE. There will be no objection to that request, that the unfinished business be temporarily laid aside in order that the reading of the bill which the Senator from Wyoming has in charge may be proceeded with.

The PRESIDING OFFICER. That order has already been made by the Senate.

Mr. BEVERIDGE. Yes; provided he gets consent.

Mr. PLATT of Connecticut. Mr. President, I do not think we ought to have a bill laid aside by unanimous consent when that request includes the proposition to have another bill read. I have no objection to laying aside the unfinished business. That is all the request ought to contain.

The PRESIDING OFFICER. The Chair stated the request of the Senator from Minnesota. He asked unanimous consent that the statehood bill be temporarily laid aside.

Mr. PLATT of Connecticut. There is no objection to that.

Mr. BEVERIDGE. There is no objection to that being done.

The PRESIDING OFFICER. That action has already been taken. The Chair now recognizes the junior Senator from Wyoming.

OMNIBUS CLAIMS BILL.

Mr. WARREN. I ask unanimous consent that the bill (H. R. 9548) for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the act approved March 3, 1883, and commonly known as the "Bowman Act," may be taken up for the purpose of being read.

The PRESIDING OFFICER. The Senator from Wyoming asks unanimous consent that the Senate proceed with the reading of the bill indicated by him. Is there objection?

Mr. CLAY. Is it not true that that bill just came in yesterday? We have not yet had time to examine it.

Mr. BEVERIDGE. All that is to be done to-day is to read it.

Mr. WARREN. I will say to the Senator that it is not my desire to carry the bill to passage or other consideration than that of reading.

Mr. CLAY. Then I have no objection.

Mr. BEVERIDGE. I understand that the Senator's desire is to begin the reading of the bill for the information of the Senate.

Mr. CLAY. That is all right.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wyoming? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with an amendment.

The Secretary proceeded to read the bill and the amendment, and continued to the top of page 195.

Mr. BEVERIDGE. I move that the Senate adjourn.

Mr. WARREN. Before the motion to adjourn is put I wish to state that I regret we can not finish the reading of the bill to-night. It is nearly completed. While I will not now ask for unanimous consent for further consideration at some future time, I wish to give notice that I shall improve the first opportunity, of course subject to the pending measures, to call up this bill, either morning or evening, and to finish its consideration.

The PRESIDING OFFICER (Mr. CLAY in the chair). The question is on the motion of the Senator from Indiana that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 6, 1905, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 5, 1905.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Lieut. Col. Edward B. Pratt, Fifteenth Infantry, to be colonel, December 16, 1904, vice O'Connell, Thirtieth Infantry, retired from active service.

Maj. Arthur Williams, Third Infantry, to be lieutenant-colonel, December 16, 1904, vice Pratt, Fifteenth Infantry, promoted.

Capt. Willson Y. Stamper, Eighth Infantry, to be major, December 16, 1904, vice Williams, Third Infantry, promoted.

First Lieut. Harry E. Knight, First Infantry, to be captain, December 16, 1904, vice Davison, Fifth Infantry, retired from active service.

First Lieut. Campbell E. Babcock, Seventh Infantry, to be captain, December 16, 1904, vice Stamper, Eighth Infantry, promoted.

Second Lieut. Elliot Caziarc, Eighth Infantry, to be first lieutenant, December 16, 1904, vice Knight, First Infantry, promoted.

Second Lieut. Carl C. Jones, Third Infantry, to be first lieutenant, December 16, 1904, vice Babcock, Seventh Infantry, promoted.

To be captains.

First Lieut. Daniel F. Keller, Thirtieth Infantry, December 30, 1904, vice Patten, Fourteenth Infantry, retired from active service.

First Lieut. Archie J. Harris, Second Infantry, December 30, 1904, vice Nixon, Second Infantry, detailed as quartermaster.

First Lieut. Alexander J. Macnab, Second Infantry, December 31, 1904, vice Phillips, Twenty-seventh Infantry, dismissed.

To be first lieutenants.

Second Lieut. Alfred J. Booth, Second Infantry, December 30, 1904, vice Keller, Thirtieth Infantry, promoted.

Second Lieut. Emery T. Smith, Ninth Infantry, December 30, 1904, vice Harris, Second Infantry, promoted.

CAVALRY ARM.

Second Lieut. Robert W. Reynolds, Thirteenth Cavalry, to be first lieutenant, December 17, 1904, vice McNally, Third Cavalry, detailed in the Signal Corps.

ARTILLERY CORPS.

To be captain.

First Lieut. Francis N. Cooke, Artillery Corps, January 1, 1905, vice Nicholls, detailed in the Ordnance Department.

To be first lieutenants.

Second Lieut. James Totten, Artillery Corps, January 1, 1905, vice Cooke, promoted.

Second Lieut. Frank T. Hines, Artillery Corps, to be first lieutenant, December 17, 1904, vice Buck, detailed in the Signal Corps.

APPOINTMENT, BY TRANSFER, IN THE ARMY.

Cavalry Arm.

Second Lieut. William C. F. Nicholson, Twenty-first Infantry, from the Infantry Arm to the Cavalry Arm, with rank from September 1, 1904.

TO BE PLACED ON THE RETIRED LIST OF THE ARMY.

With the rank of brigadier-general.

Col. John J. O'Connell, retired, with rank from December 16, 1904.

With the rank of major from April 23, 1904.

Capt. Robert W. Shufeldt, retired.

With the rank of brigadier-general from the respective dates upon which they shall be retired from active service.

Col. Charles Smart, assistant surgeon-general.

Col. Charles Shaler, Ordnance Department.

APPOINTMENT IN THE NAVY.

Judson L. Taylor, a citizen of Texas, to be an assistant surgeon in the Navy, from the 17th day of December, 1904, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE MARINE CORPS.

Lieut. Col. Charles H. Lauchheimer, assistant adjutant and inspector of the Marine Corps, to be adjutant and inspector of the Marine Corps, with the rank of colonel, from the 15th day of December, 1904, vice Col. George C. Reid, adjutant and inspector, retired.

Capt. Albert S. McLemore, United States Marine Corps, to be assistant adjutant and inspector in the Marine Corps, with the rank of major, from the 15th day of December, 1904, to fill a vacancy existing in that grade on that date.

PROMOTIONS IN THE NAVY.

Lieut. (Junior Grade) David C. Hanrahan to be a lieutenant in the Navy, from the 1st day of July, 1904, vice Lieut. Lay H. Everhart, retired.

Lieut. Commander Theodore F. Burgdorff to be a commander in the Navy, from the 30th day of September, 1904, vice Commander Newton E. Mason, promoted.

Rear-Admiral George A. Converse, United States Navy, to be Chief of the Bureau of Navigation in the Department of the Navy, with the rank of rear-admiral, for a term of four years.

Capt. Newton E. Mason, United States Navy, to be Chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear-admiral, for a term of four years.

Commander Samuel W. B. Diehl, United States Navy, to be Judge-Advocate-General of the Navy, with the rank of captain in the Navy, for a term of four years.

Lieut. George W. Kline to be a lieutenant-commander in the Navy, from the 13th day of September, 1904, vice Lieut. Commander James T. Smith, promoted.

Lieut. Commander Templin M. Potts to be commander in the Navy, from the 8th day of November, 1904, vice Commander Charles G. Bowman, promoted.

Lieut. Charles M. McCormick to be a lieutenant-commander in the Navy, from the 18th day of December, 1904, vice Lieut. Commander William Truxtun, retired.

Capt. Joseph E. Craig to be a rear-admiral in the Navy, from the 28th day of December, 1904, vice Rear-Admiral Silas W. Terry, retired.

Lieuts. William W. Gilmer, Robert E. Coontz, William H. G. Bullard, and Harold K. Hines to be lieutenant-commanders in the Navy, from the 1st day of January, 1905, to fill vacancies created in that grade by the act of Congress approved March 3, 1903.

Lieut. (Junior Grade) William S. Miller to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. William W. Gilmer, promoted.

Lieut. (Junior Grade) Cyrus W. Cole to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. Robert E. Coontz, promoted.

Lieut. (Junior Grade) Lloyd S. Shapley to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. Webster A. Edgar, promoted.

Lieut. (Junior Grade) William R. Sayles, jr., to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. Philip Andrews, promoted.

Lieut. (Junior Grade) John W. Greenslade to be a lieutenant in the Navy, from the 1st day of January, 1905, vice Lieut. Harold K. Hines, promoted.

Lieuts. (Junior Grade) Charles E. Courtney and James H. Tomb to be lieutenants in the Navy, from the 1st day of January, 1905, to fill vacancies created in that grade by the act of Congress approved March 3, 1903.

Midshipmen to be ensigns.

Henry G. S. Wallace.

Horace S. Klyce.

Frank W. Sterling.

Emory S. Land.

Franklin W. Osburn, jr.

Gilford Darst.

Roe R. Adams.

Semmes Read.

Edwin G. Kintner.

Harry A. Baldrige.

William L. Pryor.

James Reed, jr.

George J. Meyers.
 James P. Murdock.
 Edward J. Marquart.
 Andrew A. Peterson.
 Leroy Brooks, jr.
 Donald C. Bingham.
 Robert Wallace, jr.
 Ralph M. Griswold.
 William W. Smith.
 Francis S. Whitten.
 Thomas L. Ozburn.
 Lewis B. Porterfield.
 Walter G. Diman.
 Frank C. Martin.
 Ralph P. Craft.
 Adolphus Staton.
 David A. Weaver.
 Neil E. Nichols.
 James A. Campbell, jr.
 Otto C. Dowling.
 Julius C. Townsend.
 Wilson Brown, jr.
 Robert Henderson.
 William T. Conn, jr.
 John H. Blackburn.
 Frank B. Freyer.
 Roscoe C. Davis.
 Earl P. Finney.
 William D. Puleston.
 Charles S. Kerrick.
 George P. Brown.
 James O. Richardson.
 Harold D. Childs.
 Gilbert J. Rowcliff.
 James P. Lannon.
 Richard Wainwright, jr.
 Charles W. Early.
 Edward C. S. Parker.
 Joseph O. Fisher.
 Carlos Bean.
 Oscar F. Cooper.
 Kirby B. Crittenden.
 Merritt S. Corning.
 William J. Moses.

NAVAL OFFICER OF CUSTOMS.

Walter T. Merrick, of Pennsylvania, to be naval officer of customs in the district of Philadelphia, in the State of Pennsylvania. (Reappointment.)

DISTRICT JUDGE.

James Wickersham, of Alaska, to be judge of the district court of the district of Alaska, and assign him to division No. 3, to which position he was reappointed during the last recess of the Senate.

MARSHAL.

J. E. B. Stuart, of Virginia, to be United States marshal for the eastern district of Virginia, vice Morgan Treat, resigned.

CONSUL.

Samuel S. Knabenshue, of Ohio, to be consul of the United States at Belfast, Ireland, vice William W. Touvelle, resigned.

ASSISTANT AGENT FOR SALMON FISHERIES.

John N. Cobb, of Pennsylvania, who was appointed July 1, 1904, during the recess of the Senate, to be assistant agent for the protection of the salmon fisheries of Alaska in the Department of Commerce and Labor.

COLLECTOR OF INTERNAL REVENUE.

Henry M. Rose, of Michigan, to be collector of internal revenue for the fourth district of Michigan, to succeed Samuel M. Lemon, resigned.

REGISTERS OF LAND OFFICES.

Bryson P. Blair, of Colorado, to be register of the land office at Montrose, Colo., vice David R. Crosby, deceased.

Lon E. Foote, of Colorado, to be register of the land office at Hugo, Colo., his term having expired May 24, 1904. (Reappointment.)

Herman A. Hildebrandt, of South Dakota, to be register of the land office at Watertown, S. Dak., vice Lee Stover, resigned.

RECEIVER OF PUBLIC MONEYS.

Charles J. Greene, of Louisiana, to be receiver of public moneys at Natchitoches, La., his term having expired January 17, 1904. Reappointment.

PROFESSOR OF MATHEMATICS IN THE NAVY.

Lieut. Commander Harry McL. P. Huse, to be a professor of mathematics in the Navy, with the rank of commander, to rank next after Professor of Mathematics Aaron N. Skinner, and to be an extra number in the corps of professors of mathematics in accordance with the provisions of an act of Congress approved April 27, 1904.

CHIEF OF BUREAU OF MANUFACTURES.

J. Hampton Moore, of Pennsylvania, to be Chief of Bureau of Manufactures, Department of Commerce and Labor.

APPOINTMENTS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Eugene H. Mullan, of Maryland, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

Wade Hampton Frost, of Virginia, to be an assistant surgeon in the Public Health and Marine-Hospital Service of the United States.

MEMBERS OF EXECUTIVE COUNCIL OF PORTO RICO.

Rafael Del Valle, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years, vice Jose Guzman Benitez, whose term has expired.

Luis Sanchez Morales, of Porto Rico, to be a member of the executive council of Porto Rico for a term of four years, vice Jose Gomez Brioso, whose term has expired.

COMMISSIONER OF THE INTERIOR OF PORTO RICO.

John Stuart Elliot, of Porto Rico, to be commissioner of the interior of Porto Rico, vice William H. Elliott, term expired.

POSTMASTERS.

ALABAMA.

Harvey E. Berkstresser to be postmaster at Dadeville, in the county of Tallapoosa and State of Alabama. Office became Presidential January 1, 1905.

Ralph G. Green to be postmaster at Bay Minette, in the county of Baldwin and State of Alabama. Office became Presidential January 1, 1905.

CALIFORNIA.

Horace E. Allatt to be postmaster at Imperial, in the county of San Diego and State of California. Office became Presidential January 1, 1905.

William Bradford to be postmaster at Hemet, in the county of Riverside and State of California. Office became Presidential January 1, 1905.

Edmund L. Brown to be postmaster at Fernando, in the county of Los Angeles and State of California. Office became Presidential January 1, 1904.

William S. Collins to be postmaster at Loyalton, in the county of Sierra and State of California. Office became Presidential October 1, 1904.

Samuel G. Watts to be postmaster at East Auburn, in the county of Placer and State of California. Office became Presidential October 1, 1904.

COLORADO.

George W. Summers to be postmaster at Gunnison, in the county of Gunnison and State of Colorado, in place of George W. Summers. Incumbent's commission expires January 16, 1905.

CONNECTICUT.

Judson D. Foote to be postmaster at Montowese, in the county of New Haven and State of Connecticut. Office became Presidential January 1, 1905.

William E. Gates to be postmaster at Glastonbury, in the county of Hartford and State of Connecticut, in place of William E. Gates. Incumbent's commission expired June 5, 1904.

Tudor Gowdy to be postmaster at Thompsonville, in the county of Hartford and State of Connecticut, in place of Tudor Gowdy. Incumbent's commission expired January 10, 1902.

FLORIDA.

John B. Leffingwell to be postmaster at Bradentown, late Braiden Town, in the county of Manatee and State of Florida, in place of John B. Leffingwell, to change name of office.

GEORGIA.

Clark Grier to be postmaster at Dublin, in the county of Laurens and State of Georgia, in place of Clark Grier. Incumbent's commission expired June 5, 1904.

HAWAII.

Arthur Waal to be postmaster at Lahaina, in the county of Maui Island, Hawaii, in place of Arthur Waal. Incumbent's commission expired December 20, 1904.

ILLINOIS.

Jennie M. De Roo to be postmaster at Fort Sheridan, in the county of Lake and State of Illinois. Office became Presidential October 1, 1901.

Samuel S. Irwin to be postmaster at Rankin, in the county of Vermilion and State of Illinois. Office became Presidential January 1, 1905.

William M. McDonald to be postmaster at Chandlerville, in the county of Cass and State of Illinois. Office became Presidential January 1, 1905.

Leander W. Niles to be postmaster at Bethany, in the county of Moultrie and State of Illinois. Office became Presidential January 1, 1905.

Darius B. Reid to be postmaster at Georgetown, in the county of Vermilion and State of Illinois. Office became Presidential January 1, 1905.

INDIANA.

Caleb W. Barker to be postmaster at Francesville, in the county of Pulaski and State of Indiana. Office became Presidential July 1, 1904.

Charles D. Davidson to be postmaster at Whiting, in the county of Lake and State of Indiana, in place of Charles D. Davidson. Incumbent's commission expires January 16, 1905.

Isaac F. Lawshe to be postmaster at Swayzee, in the county of Grant and State of Indiana. Office became Presidential January 1, 1905.

Charles McGaughey to be postmaster at Roachdale, in the county of Putnam and State of Indiana. Office became Presidential January 1, 1905.

John W. Morrow to be postmaster at Hebron, in the county of Porter and State of Indiana. Office became Presidential January 1, 1905.

James M. Ranstead to be postmaster at Bremen, in the county of Marshall and State of Indiana, in place of James M. Ranstead. Incumbent's commission expires January 16, 1905.

John P. Russell to be postmaster at Kewanna, in the county of Fulton and State of Indiana. Office became Presidential October 1, 1904.

INDIAN TERRITORY.

Robert A. Diggs to be postmaster at Lindsay, in district 17, Ind. T. Office became Presidential January 1, 1905.

Rena Winnett to be postmaster at Krebs, district 15, Ind. T. Office became Presidential October 1, 1904.

IOWA.

Bert C. Ellsworth to be postmaster at Kanawha, in the county of Hancock and State of Iowa. Office became Presidential January 1, 1905.

N. C. Kitchell to be postmaster at Mason City, in the county of Cerro Gordo and State of Iowa, in place of Joseph A. Farrell. Incumbent's commission expired December 20, 1904.

James Schroeder to be postmaster at Guttenberg, in the county of Clayton and State of Iowa, in place of James Schroeder. Incumbent's commission expired December 20, 1904.

Eugene Stiles to be postmaster at Sidney, in the county of Fremont and State of Iowa, in place of John R. McKee, resigned.

Edgar O. Winter to be postmaster at Redfield, in the county of Dallas and State of Iowa. Office became Presidential January 1, 1905.

KANSAS.

Frank W. Elliott to be postmaster at Edna, in the county of Labette and State of Kansas. Office became Presidential January 1, 1905.

James R. Hillhouse to be postmaster at Delphos, in the county of Ottawa and State of Kansas. Office became Presidential January 1, 1905.

William A. Hillhouse to be postmaster at Glasco, in the county of Cloud and State of Kansas. Office became Presidential January 1, 1905.

Floyd E. Richmond to be postmaster at Logan, in the county of Phillips and State of Kansas. Office became Presidential January 1, 1905.

Charles C. Wilson to be postmaster at Scandia, in the county of Republic and State of Kansas. Office became Presidential January 1, 1905.

KENTUCKY.

Homer B. Bryson to be postmaster at Carlisle, in the county of Nicholas and State of Kentucky, in place of Homer B. Bryson. Incumbent's commission expired May 28, 1904.

MARYLAND.

William Hall Harris to be postmaster at Baltimore, in the county of Baltimore and State of Maryland, in place of S. Davies Warfield. Incumbent's commission expired January 15, 1904.

MASSACHUSETTS.

Wilbur F. Whitney to be postmaster at South Ashburnham, in the county of Worcester and State of Massachusetts, in place of Wilbur F. Whitney. Incumbent's commission expires January 31, 1905.

MICHIGAN.

Carl M. Lund to be postmaster at Harrisville, in the county of Alcona and State of Michigan. Office became Presidential January 1, 1905.

MINNESOTA.

Frank E. Bardwell to be postmaster at Excelsior, in the county of Hennepin and State of Minnesota, in place of Frank E. Bardwell. Incumbent's commission expired December 20, 1904.

Theodore G. Fasten to be postmaster at Scanlon, in the county of Carlton and State of Minnesota. Office became Presidential January 1, 1905.

M. Miller Severns to be postmaster at West Concord, in the county of Dodge and State of Minnesota. Office became Presidential January 1, 1905.

MISSISSIPPI.

James W. Bell to be postmaster at Pontotoc, in the county of Pontotoc and State of Mississippi. Office became Presidential January 1, 1905.

Edwin W. Cabaniss to be postmaster at Clinton, in the county of Hinds and State of Mississippi. Office became Presidential January 1, 1905.

Robert S. Golden to be postmaster at Hollandale, in the county of Washington and State of Mississippi. Office became Presidential January 1, 1905.

Robert W. Hinton to be postmaster at Lumberton, in the county of Lamar and State of Mississippi, in place of Robert W. Hinton. Incumbent's commission expires January 16, 1905.

Rosa Mayers to be postmaster at Shelby, in the county of Bolivar and State of Mississippi. Office became Presidential January 1, 1904.

Robert C. Sharbrough to be postmaster at McHenry, in the county of Harrison and State of Mississippi. Office became Presidential July 1, 1904.

Alma Stephens to be postmaster at Shaw, in the county of Bolivar and State of Mississippi. Office became Presidential January 1, 1905.

Alexander Yates to be postmaster at Utica, in the county of Hinds and State of Mississippi. Office became Presidential January 1, 1905.

MISSOURI.

Godfrey Haldiman to be postmaster at California, in the county of Moniteau and State of Missouri, in place of Godfrey Haldiman. Incumbent's commission expired April 27, 1904.

J. A. Knowles to be postmaster at Flat River, in the county of St. Francois and State of Missouri, in place of James L. Darling, resigned.

Solomon R. McKay to be postmaster at Troy, in the county of Lincoln and State of Missouri, in place of Solomon R. McKay. Incumbent's commission expires January 16, 1905.

Benjamin C. Nichols to be postmaster at Trenton, in the county of Grundy and State of Missouri, in place of Charles D. Morris, resigned.

MONTANA.

George W. Padbury to be postmaster at Marysville, in the county of Lewis and Clarke and State of Montana. Office became Presidential October 1, 1904.

NEBRASKA.

John G. Gannon to be postmaster at Pender, in the county of Thurston and State of Nebraska, in place of Melcher Emmington, resigned.

NEW JERSEY.

Reuben Abel to be postmaster at Bernardsville, in the county of Somerset and State of New Jersey, in place of Reuben Abel. Incumbent's commission expired December 20, 1904.

Samuel Gordon to be postmaster at South River, in the county of Middlesex and State of New Jersey, in place of Charles Whitehead. Incumbent's commission expired December 20, 1904.

William H. Kuhlthau to be postmaster at Milltown, in the county of Middlesex and State of New Jersey. Office became Presidential January 1, 1905.

NEW YORK.

John Borup to be postmaster at Tuckahoe, in the county of Westchester and State of New York, in place of Richard G. Bennett. Incumbent's commission expired December 20, 1904.

Peter Dahl to be postmaster at Tonawanda, in the county of Erie and State of New York, in place of John G. Wallenmeier, jr., resigned.

Isaac Decker to be postmaster at Williamson, in the county of Wayne and State of New York. Office became Presidential January 1, 1905.

Frank A. Frost to be postmaster at Watkins, in the county of Schuyler and State of New York, in place of Levi M. Gano, deceased.

Fred A. Green to be postmaster at Copenhagen, in the county of Lewis and State of New York. Office became Presidential January 1, 1905.

Christopher B. Morgan to be postmaster at Aurora, in the county of Cayuga and State of New York. Office became Presidential January 1, 1905.

Hiro J. Settle to be postmaster at Ballston Spa, in the county of Saratoga and State of New York, in place of Frank Jones, deceased.

George J. Skinner to be postmaster at Camden, in the county of Oneida and State of New York, in place of Andrew W. Craig. Incumbent's commission expired February 9, 1903.

Hattie A. Walker to be postmaster at Bergen, in the county of Genesee and State of New York. Office became Presidential January 1, 1905.

NORTH CAROLINA.

Jesse F. Walsh to be postmaster at Elkin, in the county of Surry and State of North Carolina. Office became Presidential January 1, 1905.

NORTH DAKOTA.

Philip K. Eastman to be postmaster at Wilton, in the county of McLean and State of North Dakota. Office became Presidential January 1, 1905.

Charles H. Lee to be postmaster at Walhalla, in the county of Pembina and State of North Dakota. Office became Presidential July 1, 1904.

OHIO.

Peter Cranker to be postmaster at West Toledo, in the county of Lucas and State of Ohio. Office became Presidential January 1, 1905.

Willis E. Payne to be postmaster at Ashville, in the county of Pickaway and State of Ohio. Office became Presidential January 1, 1905.

Granville W. Springer to be postmaster at Crooksville, in the county of Perry and State of Ohio, in place of John G. Burley, resigned.

Alva G. Sutton to be postmaster at Attica, in the county of Seneca and State of Ohio. Office became Presidential October 1, 1904.

Edward L. Watts to be postmaster at Peebles, in the county of Adams and State of Ohio. Office became Presidential January 1, 1905.

OKLAHOMA.

George S. Bailey to be postmaster at Snyder, in the county of Kiowa and Territory of Oklahoma. Office became Presidential July 1, 1904.

William T. Barrett to be postmaster at Carmen, in the county of Woods and Territory of Oklahoma. Office became Presidential July 1, 1904.

Frank H. McCormick to be postmaster at Clinton, in the county of Custer and Territory of Oklahoma. Office became Presidential October 1, 1904.

William Thomas to be postmaster at Thomas, in the county of Custer and Territory of Oklahoma. Office became Presidential July 1, 1904.

OREGON.

John Hahn to be postmaster at Astoria, in the county of Clatsop and State of Oregon, in place of Grenville Reed. Incumbent's commission expired December 20, 1904.

John F. Reisacher to be postmaster at Condon, in the county of Gilliam and State of Oregon. Office became Presidential January 1, 1905.

Edward B. Waters to be postmaster at Burns, in the county of Harney and State of Oregon, in place of Edward B. Waters. Incumbent's commission expired May 28, 1904.

PENNSYLVANIA.

Christmas E. Fitch to be postmaster at Wampum, in the county of Lawrence and State of Pennsylvania. Office became Presidential January 1, 1904.

Jacob D. Laciard to be postmaster at Wilkesbarre, in the county of Luzerne and State of Pennsylvania, in place of Byron G. Hahn. Incumbent's commission expired March 6, 1904.

Harry H. Nichols to be postmaster at Girard, in the county of Erie and State of Pennsylvania, in place of Harry H. Nichols. Incumbent's commission expires January 31, 1905.

Eli D. Robinson to be postmaster at Butler, in the county of Butler and State of Pennsylvania, in place of Josiah B. Black. Incumbent's commission expired June 7, 1904.

Mary J. Russell to be postmaster at Vilas, in the county of Lycoming and State of Pennsylvania. Office became Presidential January 1, 1903.

Charles S. Shindel to be postmaster at Tamaqua, in the county of Schuylkill and State of Pennsylvania, in place of Charles S. Shindel. Incumbent's commission expired June 5, 1904.

Coleman Smith to be postmaster at Coudersport, in the county of Potter and State of Pennsylvania, in place of Will E. Olmsted. Incumbent's commission expired June 5, 1904.

PORTO RICO.

Walter K. Landis to be postmaster at San Juan, in the county of San Juan, P. R., in place of Walter K. Landis. Incumbent's commission expired June 5, 1904.

SOUTH CAROLINA.

Joseph H. Abbey to be postmaster at St. George, in the county of Dorchester and State of South Carolina. Office became Presidential January 1, 1905.

Frank C. Cain to be postmaster at St. Matthews, in the county of Orangeburg and State of South Carolina. Office became Presidential January 1, 1905.

James G. Harper to be postmaster at Seneca, in the county of Oconee and State of South Carolina, in place of Emma Harper, resigned.

A. L. King to be postmaster at Georgetown, in the county of Georgetown and State of South Carolina, in place of William M. Hazzard, deceased.

TENNESSEE.

William E. Byers to be postmaster at Tracy City, in the county of Grundy and State of Tennessee. Office became Presidential January 1, 1905.

William T. Smythe to be postmaster at Mountain City, in the county of Johnson and State of Tennessee. Office became Presidential January 1, 1905.

TEXAS.

Theophilus F. Berner to be postmaster at Henrietta, in the county of Clay and State of Texas, in place of Theophilus F. Berner. Incumbent's commission expired December 20, 1904.

Joshua Cooke, jr., to be postmaster at Longview, in the county of Gregg and State of Texas, in place of Joshua Cooke, jr. Incumbent's commission expired December 20, 1904.

G. W. Crossman to be postmaster at Garland, in the county of Dallas and State of Texas. Office became Presidential October 1, 1904.

Kittle L. Edwards to be postmaster at Smithfield, in the county of Bastrop and State of Texas, in place of Kittle L. Edwards. Incumbent's commission expired April 30, 1904.

Jerra L. Hickson to be postmaster at Gainesville, in the county of Cooke and State of Texas, in place of Jerra L. Hickson. Incumbent's commission expires January 21, 1905.

Henry Liem to be postmaster at Center, in the county of Shelby and State of Texas. Office became Presidential April 1, 1903.

Adelia C. Pruitt to be postmaster at Lindale, in the county of Smith and State of Texas. Office became Presidential January 1, 1905.

Charles Real to be postmaster at Kerrville, in the county of Kerr and State of Texas, in place of Charles Real. Incumbent's commission expired December 20, 1904.

Andrew J. Reeder to be postmaster at Granger, in the county of Williamson and State of Texas. Office became Presidential January 1, 1905.

L. E. Robbins to be postmaster at Quanah, in the county of Hardeman and State of Texas, in place of John W. Hedley. Incumbent's commission expired December 20, 1904.

James B. Seargent to be postmaster at Orange, in the county of Orange and State of Texas, in place of Robert J. Looney, removed.

VIRGINIA.

Harry Fulwiler to be postmaster at Buchanan, in the county of Botetourt and State of Virginia. Office became Presidential January 1, 1905.

WASHINGTON.

Daniel Crowley to be postmaster at Vancouver, in the county of Clarke and State of Washington, in place of Lloyd Du Bois. Incumbent's commission expired January 28, 1903.

William P. Ely to be postmaster at Kelso, in the county of Cowlitz and State of Washington. Office became Presidential January 1, 1904.

Olaf N. Erickson to be postmaster at Auburn, in the county of King and State of Washington. Office became Presidential January 1, 1905.

George D. C. Pruner to be postmaster at Blaine, in the county of Whatcom and State of Washington, in place of George D. C. Pruner. Incumbent's commission expired June 5, 1904.

WEST VIRGINIA.

William R. Brown to be postmaster at West Union, in the county of Doddridge and State of West Virginia, in place of D. Porter Stout, resigned.

Benjamin O. Holland to be postmaster at Logan, in the county of Logan and State of West Virginia. Office became Presidential October 1, 1904.

Nathan C. McNeil to be postmaster at Marlinton, in the county of Pocahontas and State of West Virginia. Office became Presidential July 1, 1904.

WISCONSIN.

Marilla Andrews to be postmaster at Evansville, in the county of Rock and State of Wisconsin, in place of Eleanor Andrews, resigned.

F. J. Buell to be postmaster at Burlington, in the county of Racine and State of Wisconsin, in place of Theodore Riel, deceased.

John G. Burman to be postmaster at Amery, in the county of Polk and State of Wisconsin. Office became Presidential January 1, 1905.

George M. Carnahan to be postmaster at Bruce, in the county of Gates and State of Wisconsin. Office became Presidential January 1, 1905.

Charles F. Fine to be postmaster at Hillsboro, in the county of Vernon and State of Wisconsin. Office became Presidential January 1, 1905.

WITHDRAWAL.

Howard K. Sanderson to be postmaster at Lynn, in the State of Massachusetts. (Appointee deceased.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 5, 1905.

CHIEF JUSTICE, DISTRICT COURT OF APPEALS.

Seth Shepard, of the District of Columbia, now serving as associate justice of the court of appeals of the District of Columbia, to be chief justice of the court of appeals of the District of Columbia.

ASSOCIATE JUSTICE, DISTRICT COURT OF APPEALS.

Charles H. Duell, of New York, to be associate justice of the court of appeals of the District of Columbia.

REGISTER OF THE LAND OFFICE.

Herman A. Hilderbrandt to be register of the land office at Watertown, in the State of South Dakota.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 5, 1905.

The House met at 12 o'clock m.

Rev. WILLIAM COUDEN, of Boston, Mass., offered the following prayer:

Our Heavenly Father, we are very grateful indeed this morning as we are reminded of the richness of our country and the great names that have enriched our history and the great opportunity that is before us. We pray that we may be equal to all these things, that our hearts may respond in righteousness to the love that Thou hast poured out unto us. We ask that Thy blessing, our Heavenly Father, may be with these Thy servants, who labor for Thee and Thy people this morning. We pray that Thou wilt inspire them with devotion that shall make them wise, that Thou wilt fill them with power to do Thy will, that Thou wilt enoble them with high motives and pure desires. We ask that Thy blessing may rest upon the deliberations of this House this day, and may Thy grace be with every member of it. We ask it in the name of Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

FORTIFICATIONS APPROPRIATION BILL.

Mr. LITTAUER, from the Committee on Appropriations, reported the bill (H. R. 17094) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance, for trial and service, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered printed.

Mr. LLOYD. Mr. Speaker, I reserve all points of order.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] reserves all points of order.

Mr. CLARK. I would like to inquire of the gentleman from New York when that appropriation bill is coming up for consideration?

Mr. LITTAUER. As soon as I can get an opportunity to be heard.

Mr. CLARK. I would like to have some definite information about it.

Mr. LITTAUER. It has to lie over until to-morrow. We will not want, of course, to bring it up before then.

Mr. CLARK. Of course, you can not bring it up to-day.

Mr. LITTAUER. The intention was either to bring it up to-morrow or on next Tuesday.

Mr. CLARK. Well, put it off as much as you can.

COTTON ESTIMATES OF DEPARTMENT OF AGRICULTURE.

Mr. WADSWORTH. Mr. Speaker, I offer the following privileged report from the Committee on Agriculture, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Agriculture, to whom was referred House resolution No. 400, "That the Secretary of Agriculture is hereby requested to forward to the House of Representatives all data, in detail, upon which said last report was made and published, said report to cover all sources and kinds of information upon which said report was based," beg leave to submit that your committee caused to appear before us the honorable Secretary of Agriculture and Chief of Bureau of Statistics of that Department, and upon hearings—a full copy of which is submitted herewith, giving in detail the plan adopted by said Department in arriving at its cotton estimates—your committee are of opinion that such estimates are honestly, intelligently made, and are as accurately made as is possible, and we recommend that said resolution lie upon the table.

Mr. WADSWORTH. Mr. Speaker, before making the motion to have the resolution lie upon the table, I desire to yield some time to the gentleman from Georgia [Mr. LIVINGSTON]. How much time does the gentleman desire?

Mr. LIVINGSTON. Mr. Speaker, I shall take just as little time as possible—I think, about thirty minutes. I think I can get through in that time.

Mr. WADSWORTH. How much time does the gentleman from Texas [Mr. BURLESON] desire?

Mr. BURLESON. About the same time.

Mr. LIVINGSTON. I do not want to be confined to thirty minutes if I can help it.

Mr. WADSWORTH. I yield to the gentleman from Georgia [Mr. LIVINGSTON] twenty minutes, inasmuch as I have only an hour and there are two or three other gentlemen who desire to speak.

Mr. LIVINGSTON. Mr. Speaker, I wish to say to the gentleman in charge of the resolution and to the House that I had no chance to go before the committee at all to show why this resolution ought to have been reported favorably. This is the only opportunity I shall have, and I ask the chairman of the Committee on Agriculture, the gentleman from New York [Mr. WADSWORTH], not to confine me to twenty minutes.

Mr. WADSWORTH. Mr. Speaker, I have every disposition to give the gentleman all the time he wants, but I have only one hour and there are two or three other gentlemen who wish to speak.

Mr. LIVINGSTON. Then I shall ask the House to grant me unanimous consent to make my statement in favor of the resolution. I shall make it just as short as I can.

Mr. WADSWORTH. Mr. Speaker, I shall yield the gentleman thirty minutes, and if the gentleman has not completed his remarks within that time I shall do the best I can, yet reserving enough time for the other gentlemen who wish to speak.

Mr. WILLIAMS of Mississippi. Mr. Speaker, with the permission of the gentleman from Georgia [Mr. LIVINGSTON], I would suggest that it would be well, I think, to have an hour given to the opponents of the resolution and an hour given to those in favor of it, the time of those opposed to the resolution to be controlled by the gentleman from New York [Mr. WADSWORTH], the chairman of the committee, and the time of those in favor of it to be controlled by the gentleman from Georgia [Mr. LIVINGSTON], who is the author of the resolution.

Mr. WADSWORTH. I have no objection to that, if the House is satisfied.

The SPEAKER. The gentleman from Mississippi [Mr. WILLIAMS] asks unanimous consent that debate on this resolution be confined to two hours, one hour to be controlled by the gentleman from New York [Mr. WADSWORTH] and one hour to be controlled by the gentleman from Georgia [Mr. LIVINGSTON]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WADSWORTH. Mr. Speaker, I now yield to the gentleman from Georgia [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, this resolution was not introduced, or when introduced, was not intended to imply or express either dishonesty or want of faithfulness or anything of that kind on the part of the Agricultural Department. Nor was this resolution introduced for the purpose of showing that